



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

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SEANAD ÉIREANN

Dé Céadaoin, 15 Nollaig 2021

Wednesday, 15 December 2021

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from Senator Lynn Ruane that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to make a statement on the north inner city drugs task force.

I have also received notice from Senator Mary Fitzpatrick of the following matter:

The need for the Minister for Health to make a statement on the timeline for the appointment of a design team for the west wing critical care unit of the Rotunda Hospital, Parnell Square.

I have also received notice from Senator Timmy Dooley of the following matter:

The need for the Minister for Transport to make a statement on the additional supports being provided to Shannon Airport to compensate for reduced passenger numbers due to the pandemic.

I have also received notice from Senator Regina Doherty of the following matter:

The need for the Minister of State with responsibility for public procurement and eGovernment to make a statement on whether EU digital Covid certificates will be updated to indicate receipt of vaccine boosters.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Health to make a statement on the provision of additional neurology nurses for Cork University Hospital.

I have also received notice from Senators Garret Ahearn and Tim Lombard of the following matter:

The need for the Minister for Agriculture to make a statement on the role of young farmers in ensuring the future viability of the agrifood sector.

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I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister of State with responsibility for the Office of Public Works to make a statement on the plans to undertake restoration on the conservatories at the National Botanic Gardens in Glasnevin, Dublin.

I have also received notice from Senator Rónán Mullen of the following matter:

The need for the Minister for Health to make a statement on the findings of a study published in 2020 entitled Fetal medicine specialist experiences of providing a new service of termination of pregnancy for fatal fetal anomaly: a qualitative study.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Transport to make a statement on the timeframe for the implementation of the actions arising from the strategic rail review as outlined in the national development plan.

I have also received notice from Senator John McGahon of the following matter:

The need for the Minister for the Environment, Climate Action and Communications to make a statement on the Government's offshore wind energy strategy.

I have also received notice from Senators Malcolm Byrne and Pat Casey of the following matter:

The need for the Minister for Justice to make a statement on Garda resourcing in the Wicklow and Wexford areas.

I have also received notice from Senator Barry Ward of the following matter:

The need for the Minister for Transport to permit category B licenceholders to drive category AM vehicles.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to provide an update on resourcing at the adult metabolic service in the Mater hospital and the resourcing for response testing to new innovative therapies for phenylketonuria, PKU, treatment.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Ruane, Fitzpatrick and Dooley and they will be taken now. Senator Doherty had to withdraw her Commencement matter, which I had originally selected. I regret that I had to rule out of order the matter jointly raised by Senators Malcolm Byrne and Pat Casey on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Local Drugs Task Forces

Senator Lynn Ruane: I thank Minister of State, Deputy Feighan, for being in the Chamber

today. I purposely requested the Minister for Health because we are at a point of escalation in relation to the issue I speak to today. If I were in a position to do so, I probably would have called for the Taoiseach to come in to address the issue. He has spoken about it in the Dáil.

What is happening right now with the north inner city drugs task force represents what I and many who on the ground and involved in drugs task forces believe to be one of the most serious attacks that we have experienced on the principle of community engagement on our national drug strategy, NDS, and on the independent voice of the community sector. That attack happens by throwing out words like “governance” and never backing it up and saying what the governance issues are, neither within these Chambers nor to the people who the allegations are levelled against.

It reminds me a little bit of growing up in my community where all you had to do is write, “Lynn is a rat” on the wall. You never had to give any evidence, explain why or give any sort of rationale as to what that meant. However, you were tarred as soon as it was there. Everybody else would slowly step away, just in case what was being said was somehow right.

That is what the Department is doing to the north inner city. It is labelling it as if there is something there, but it is not saying what that is. The north inner city has now been without a functioning drugs and alcohol task force since June. This has happened because of the actions of a Department official who took upon himself the right to interfere in the selection of the new task force chair by blocking the appointment of the duly elected incoming chair. Right now, this official is continuing to interfere by setting up bilateral meetings with task force members, operating outside of any kind of proper process or procedure that we should be entitled to expect from any public official.

The selection process for the new task force was overseen and managed by the outgoing chair, Dr. Joe Barry. The new chair, Ms Anna Quigley, was nominated by the task force community representatives and unanimously approved by the full task force membership in April.

An Cathaoirleach: Senator, I do not mean to interrupt you and stop your contribution but I just want you to be careful in relation to identifying individuals.

Senator Lynn Ruane: I asked them for permission.

An Cathaoirleach: That is all right. I just want you to be mindful of it.

Senator Lynn Ruane: By blocking the appointment of a strong community nominee as chair, the professional integrity and reputation of both the outgoing and incoming chairs have been questioned and undermined. Unfounded allegations around governance issues are being made without producing, as I said, any shred of evidence whatsoever. Both are known to us all as people of the highest standing in their fields and highly respected across many sectors involved in our NDS. We should be thrilled that people of this calibre are willing to take on a voluntary role as a chair of a drugs task force and offering them every encouragement. Instead, this whole sorry story sends out a very disheartening message to anyone who might be thinking about making a contribution to their community in this way. Last week in the Dáil, the Taoiseach said he: “... passionately believe[s] in the community and voluntary pillar in terms of the implementation of national [drugs] strategies and in working to formulate and implement those strategies”. I believe him. We are asking his colleague, the Minister for Health, who I would like to have seen here, to immediately intervene in this situation. I ask that the Taoiseach meet with the north inner city community networks as they called for his support in their statement

last week. The outcome of what is happening in the north inner city has really serious implications for all drugs task forces. If things continue in the direction they are going in it is a clear message to all such task forces that the Department of Health is in control and if they do not go along with what it wants them to do then they will be punished. It sends out a clear message to all of us in the community sector that there is no place for us anymore in the national drugs strategy.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank Senator Ruane for raising this issue. The Minister, Deputy Stephen Donnelly, is in the Dáil from 10 a.m. until noon for a Private Members' Bill. I welcome the opportunity to update the Seanad on the Department's engagement with the North Inner City Drugs and Alcohol Task Force to address the governance issues that are preventing it from operating effectively.

Drug and alcohol task forces play an important role under the national drugs strategy in coordinating services to assist individuals and families to address drug and alcohol issues in the community. Task forces oversee the allocation of almost €29 million in Government funding. A handbook for governance and operation of task forces is in place since 2011. Task forces are expected to conduct their affairs in accordance with the handbook. Senator Ruane, as the independent chairperson of a drug and alcohol task force, will be familiar with the handbook and appreciate its role in managing the affairs of the task force.

The devastating impact of drugs and alcohol use on the north inner city was acknowledged by the Government with the establishment of the North East Inner City, NEIC, Programme Implementation Board to implement the recommendations of the Mulvey report. The Department of Health chairs the board subgroup on drugs and alcohol use and works closely with local stakeholders, including drugs and alcohol task forces, to improve the provision of drug and alcohol services in the community. The Department co-funded a community needs analysis to identify drug and alcohol issues affecting the local community, in conjunction with the task force. The Department also engaged with the task force on the appointment of a new independent chairperson to drive the work of the task force. It identified the need to broaden the membership of the task force to include all local stakeholders. The Department has sought to work with the task force leadership and membership to address these governance concerns. I support the autonomy of the task force to appoint its chairperson and believe the collective membership is the appropriate entity to appoint a chairperson on a consensual basis. It is important that the membership of the task force is afforded the opportunity to consider these governance concerns and to decide how it wishes to proceed on the appointment of a chairperson.

As Minister of State, I urged the outgoing chair to engage with all members of the task force, community, voluntary and statutory, to consider this matter on a consensual basis. Unfortunately, the task force leadership and members have not been able to resolve the impasse in the appointment of a chairperson of the task force. I note the content of the recent email circulated to local services that states the task force is no longer in a position to function. This follows the resignation of the chairperson and company directors. The Department is concerned by this development, as am I, given our oversight of the task force and the €2.2 million in public funding allocated to projects under its remit. The Department and I will continue to work with stakeholders in the north inner city to establish effective, inclusive and transparent governance of the task force and the funding it allocates. My officials and I are currently engaged in a consultation process with stakeholders on a process to re-establish the task force. I expect to shortly receive a report that sets out the next steps in that re-establishment.

I value the Senator's judgment and opinion. If there is anything we can do to bring all the stakeholders together to try to resolve this issue, my door is open at all times. We might have to take a different approach to try to resolve this because it is an issue that has not been dealt with appropriately in the last few months. I hope we can do that.

Senator Lynn Ruane: I thank the Minister of State for his comments. I have just pulled up the handbook to check a particular point. If that overreach by an official in relation to the election of the chair had not happened we would not be in the position of saying the task force cannot operate at all. Task forces should be free to appoint their chair without interference by the Department, provided the chair:

... is not directly connected with any of the projects being funded by the Task Force.
... [and there is] complete transparency in the arrangements put in place by [the drugs task forces] DTFs for the selection process and appointment of Chairs.

That is from the Local and Regional Drugs Task Forces handbook. There was nothing in the appointment of the chair that did not repeat what was required by that handbook. I do not think we can keep saying: "governance and handbooks". The Department should come out very strongly and say there was not a governance issue. If this is what the Department is seeing as a governance issue, that is, that there was something wrong with the appointment of the chair, then that is very different from saying the word "governance" out there because everyone thinks the worst. People think somebody has done something fraudulent or that there has been a misappropriation of funds or that somebody has been dishonest. The onus is now on the Department to clarify what it means when it said it was governance issues that led it to overreaching into this. The Department gave itself a power it did not have to suspend the task force and that is not okay. If the Department can take ownership of what it did wrong in the process maybe people will be able to move closer to fixing the issue.

Deputy Frankie Feighan: I thank the Senator. I am committed to addressing the drug and alcohol issues affecting the north inner city in conjunction with the local community and relevant service providers. Considerable additional resources have been provided to enhance drug and alcohol services in the area, both from the NEIC initiative and the Department's budget. The drugs and alcohol task force has a key role to play. However, it is clear that maybe a new start is needed for the task force so it can command the support of all stakeholders, including the local community, statutory agencies and local politicians.

I would like to confirm that the Department's annual funding of €2.2 million for community and services under the auspices of the task force is continuing and there should be no disruption in front-line services. The residents of the north inner city deserve a well governed and fully functioning task force. In particular, a transparent process for the selection and appointment of an independent chairperson is required. I ask for the co-operation of all stakeholders in putting this in place. If there is anything we can do, if we can bring something from a different angle and if the Senator can be helpful or whatever and we can bring the stakeholders together, my door is always open. Maybe we could resolve this by sitting around a table because there have been many letters flying around. If there is anything we can do my door is, as I said, open. I think this can be resolved to everyone's satisfaction.

Acting Chairperson (Senator Erin McGreehan): I thank the Minister of State. I hope those people can get around the table because it is a very important issue. The next matter is in the name of Senator Fitzpatrick.

Hospital Facilities

Senator Mary Fitzpatrick: Go raibh maith agat a Chathaoirligh Gníomhach. I thank the Minister of State for coming in to respond to my Commencement matter which seeks a date by which a team will be appointed for the design of a critical care wing for the Rotunda Hospital on Parnell Square. The Rotunda is the world's oldest maternity hospital. It dates from 1745. More than 8,000 babies a year are delivered there. One in six of all babies in the country is born there. One in four of all premature neonatal babies is born there. There has been a 10% increase in demand at the hospital over the past year. It is a hugely important health institution for women, children and families of the north inner city but also for the nation.

The Rotunda receives approximately 500 gynaecological referrals each month and there is a waiting list of more than 3,000 at the moment. It is a health resource of huge importance to women and children. As I said some of the buildings date from the 1700s. The hospital is challenged to deliver 21st century healthcare in 18th century built infrastructure. HIQA has done inspections going back years that indicate the building is out of date, old, cramped and not fit for purpose. In fact, in places it is potentially dangerous.

This issue has been well recognised for a number of years, dating back to 2018. There have been reports done. The most cost-effective, cost-beneficial and expedient solution is to develop a critical care wing on the west side of Parnell Square. The requirement went out to tender earlier this year. I understand that that tender process has been successfully completed. I am hoping that the Minister of State can advise the House today on when the design team will be announced.

I will also acknowledge, and we all know, that our State has a very poor history in women's health. That is something the current Minister for Health, Deputy Stephen Donnelly, the Minister of State and everybody in government are making great strides in changing. The State's approach to women's health is changing with a commitment that has never been previously made to women's health, including the establishment of the women's health task force, the commitment to establish menopause clinics, free contraception and a fully funded maternity strategy. I commend the Minister of State and the Government on those real changes that are being made in the State's approach to women's health, but we need to do more. We need to continue the great changes that have already been made. I hope the Minister of State can advise us as to when a design team will be announced for the design of a new critical care wing for the Rotunda Hospital.

Deputy Frankie Feighan: I thank the Senator for raising this issue and for giving me the opportunity to outline to the House the position regarding the Rotunda Hospital.

The National Development Plan 2021-2030, launched on 4 October 2021, provides a total five-year allocation, to 2025, of €5.657 billion to the Department of Health. This includes funding towards projects provided for in the capital plan, such as the critical care wing at the Rotunda Hospital.

It is acknowledged that there is a need to address the highest infrastructural risk and capacity issues at the existing hospital at Parnell Square on a prioritised basis. There has been engagement between the Department of Health, the HSE and the Rotunda to clarify the scope and extent of the development needed to resolve patient safety risks arising at the hospital from infrastructural issues. Capital funding has been provided to the hospital over recent years to

help it to manage its estate, together with appropriate allocations for equipment replacement. Last year, funding was provided to assist with Covid-related emergency works. Some €5 million has been provided over 2020-21 for redevelopment works to sustain a modern foetal assessment unit and a neonatal intensive care unit, together with a new emergency theatre and delivery suite.

As required under the public spending code, the hospital has submitted a business case in support of a proposed critical care wing, which is under consideration by the HSE. It was agreed earlier this year in a meeting between the hospital, the HSE and the RCSI Hospitals Group, to initiate the process of design team recruitment to support these necessary interim works pending co-location to Connolly Hospital Blanchardstown. The evaluation of the recently received design team tender documentation with respect to the new critical care wing has been concluded. The successful and unsuccessful applicants have been identified and notified following a recent procurement process.

As the Senator knows, as is normal for a capital project of this scale, approval to formally appoint a design team will be subject to the normal health sector approvals processes in line with requirements under the public spending code. In the meantime, there continues to be ongoing and active engagement between the HSE and the Rotunda Hospital refining key aspects of the project.

Senator Mary Fitzpatrick: I thank the Minister of State for his reply. I fully acknowledge and value the commitment the Government and the Minister of State have given to the Rotunda. I also acknowledge the significant funding that has already been provided but I am disappointed with his reply. It is very disappointing that we are at the end of this year without a design team being announced. This tender process commenced at the start of this year and engaged not just the hospital, the HSE and staff within the Department, but external private companies that engaged in the tendering process and that have been told whether they have been successful or unsuccessful. I do not understand the inertia or how long the health sector approval process will take. How long is it? Is it a piece of string? It is not any way for the State to conduct its business.

Everybody and every business has been under pressure during the Covid pandemic. When organisations respond to the State's request to produce a tender, they do so in good faith and they expect to be responded to and advised in a prompt manner. Apart from them, the women of Dublin and our country deserve better. I urge the Minister of State to go back to the Department of Health and ask its officials to make a decision on this. They know who the successful tender applicants were. They should make a decision and make it public. We need to move on with this without any further delay.

Deputy Frankie Feighan: I thank the Senator for her concerns, which I will bring to the Department to try to make this decision as quickly as possible. I understand there continues to be ongoing and active engagement with the Rotunda Hospital refining key aspects of the project. As the Senator knows, again, all capital development proposals must progress through a number of approval stages in line with the public spending code, including detailed appraisal, planning, design and procurement before a firm timeline or funding requirement can be established.

Approvals must be received for each individual stage to ensure that the proposal delivers value for money, remains affordable and that sufficient funding is available to fund the project

to completion, including equipping and commissioning status. The development of capital projects is a dynamic process and is subject to a number of key considerations, including service prioritisation, clarification of scope, determination of affordability, as well as the successful completion of the various capital project approval stages, which can impact on the timeline for delivery.

I hear what the Senator said. I will bring it back to the Minister and the Department to try to get this progressed as quickly as possible.

Airport Policy

Senator Timmy Dooley: I welcome the Minister of State to the House. As she knows, aviation and tourism throughout the State have been devastated due to the Covid pandemic. Shannon Airport is no different to any other airport in the world, in that it has suffered very considerable losses in passenger numbers and a reduction in activity. I recognise the support the Government has provided to date, which is well respected and well regarded at the airport and in the wider region. I am very pleased to see that the supports the Government put in place have today received the support of the European Union, which is most welcome.

As the Minister of State knows, however, 2022 is seen as the year from which the recovery of the aviation and tourism sectors will begin. I will put on public record that, prior to Covid, Shannon was not keeping pace with growth at other airports. We saw very significant growth in tourism numbers in the five years prior to 2020 and, quite frankly, Shannon was not holding pace with that growth. Only 1.7 million passengers went through Shannon Airport in 2019. In 2007, there were close to 3 million passengers, or more, going through the airport. Cork Airport is at 2.5 million and Dublin Airport, the behemoth, has 35 million passengers going through it and is growing all the time.

The effort now in rebuilding activity at all airports gives an opportunity to rebalance, to some extent, the lopsided growth that has taken place between east and west. There is now an opportunity to see more balanced growth. Dublin was bursting at the seams, putting pressure on the infrastructure at the airport, in addition to the infrastructure of the roads and public transport network around it. Shannon Airport will need ongoing support to ensure that it is in a position to rebuild and be ultimately self-sustaining into the future.

In the long term, we have to look at putting in place a national aviation policy and establishing a national aviation authority, which will have responsibility for the three State airports in order that they work together rather than in competition with one another and do so in a way in which Government policy dictates a regional development approach.

11 o'clock

It is not to take from Dublin, but it is to take the unnecessary traffic from Dublin, and supporting Shannon, Cork and the wider region in the way we do it. I do not think the structure as it is currently constituted, or the current policy, are appropriate to do that. However, I am also mindful that it will take some time to change the policy and put those kinds of processes in place. In the meantime, we must do everything we possibly can to rebuild the foundation in Shannon in order that it is able to compete and start to rebuild from this year on.

I have a couple of asks. The first thing we need to do from the perspective of the Department of Transport is ensure that there is an hourly direct bus service between Galway and Shannon and Limerick and Shannon. There are good Bus Éireann services at the moment but they are not direct. We need the buses to make the journey in the quickest possible time. It is possible to drive by car from Shannon to Galway in less than an hour and it is important that we have a direct bus service to replicate that.

The chambers of commerce in Clare and Limerick have done a very good piece of work on the need to establish a link between Shannon Airport and one of the big hubs in Europe, either Schiphol or Frankfurt. Schiphol is probably the best, with Frankfurt at number two and Paris and number three. To get an airline to do that in the short term will require significant Government support. Under the public service obligation, PSO, rules it should be possible to put in place that kind of funding. I accept it will need intervention from the European Commission, but I hope the officials in the Department will be open-minded to such a proposal and will be prepared to put together an application for PSO status for a route from Shannon into Schiphol or Frankfurt at the earliest opportunity and to give Shannon and the wider mid-west region – the Minister of State’s city, my county and neighbouring counties - a real opportunity to start the rebuilding process as early as possible.

Minister of State at the Department of Transport (Deputy Hildegarde Naughton):

I welcome the opportunity to discuss this topic with Senators this morning. Aviation plays a critical role in our economy as a driving force for tourism and business, including foreign direct investment. Nowhere is this more evident than in Shannon. Government policies have consistently recognised and supported this contribution. Indeed, this has remained the case following the arrival of Covid-19 to our shores. During the Covid-19 pandemic, the aviation sector has benefited considerably from a suite of measures to support businesses across the economy, including but not limited to, a wage subsidy scheme, grants, low-cost loans, a commercial rates waiver, deferred tax liabilities and the Covid restrictions support scheme. It is estimated that Irish airports and airlines will have received approximately €440 million under these measures by the end of 2021. Early in the Covid crisis the Government implemented a range of horizontal economy-wide supports. Shannon has rightly and appropriately benefited from these supports, including the recently extended employment wage subsidy scheme.

Specifically, in relation to Shannon Airport, it is benefiting from a suite of aviation-specific Exchequer-funded programmes and schemes. By virtue of its size - pre-Covid the airport had more than 1 million annual passengers - Shannon Airport has not been eligible for funding under the regional airports programme. However, in light of Covid-19, a decision was taken by the Government to provide funding to Shannon and Cork airports under a newly designed €32 million Covid-19 regional State airports programme this year in recognition of the impact of the pandemic on these airports. Under this programme, the Exchequer is funding 100% of all eligible non-economic safety and security-related current expenditure at Shannon Airport in 2021, as well as a number of safety and security-related capital projects. Shannon Airport was also separately allocated emergency capital supports of more than €6 million towards its hold baggage screening project, a safety and security project at the airport.

The Government has been responsive to the needs of airports as part of the wider aviation ecosystem. This ability to respond decisively is clearly seen in the funding announcement I made this morning. I am pleased to inform Seanad Éireann that today, I have announced €108 million in direct Exchequer supports to the airports of Shannon, Dublin, Cork, Ireland West Airport Knock, Kerry and Donegal. This means that this year, an unprecedented €160 million

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in Exchequer funding has been allocated by the Government to support airports under the Covid-19 supplementary support schemes, the regional airports programme, and the regional State airports programme. Funding under these programmes supports airports in delivering safety, security and sustainability-related projects and activities.

The supplementary support schemes will help compensate smaller regional airports for the damage caused to them by Covid-19, as well as providing State airports, including Shannon Airport, with the flexibility to roll out more route incentives and to charge rebates with a view to supporting recovery and growth of connectivity. In total, in 2021 the Government will have allocated almost €24 million to Shannon Airport in direct grant support. This is in addition to the aviation-specific supports provided in 2020 and the horizontal supports provided to Shannon during the Covid-19 crisis.

Turning to the wider group, I understand that Shannon Group's engagement with the relevant local authorities on the transfer of Shannon Heritage sites to them is progressing well. As Members may be aware, due to the complexities involved in the transfer, due diligence exercises must be concluded before any necessary formal consents of the Minister for Transport and the Minister for Public Expenditure and Reform can be given to execute any transfer of the sites with the agreement of the Minister for Housing, Local Government and Heritage. The restructuring of the group is seen as necessary to assist the Shannon Group to focus on the recovery of the airport and to build back international passengers, while continuing to develop its aviation cluster and associated property activities.

Senator Timmy Dooley: The Minister of State correctly identified the considerable support the State has provided to Shannon and to other airports, which is welcome. What we now need to look at is to move beyond the care and maintenance of the airport sector. It is hoped that, all going well, 2022 will be the beginning of the end of the Covid pandemic and in parallel with that we will have a reawakening of the tourism and aviation sectors. I want to work with the Minister of State and others, as I have done in the past, to try to ensure that when we rebuild, we rebuild better and that we build a fairer base. The policies that existed heretofore, unfortunately, skewed the activity towards the east coast to an extent that was too great. Shannon Airport had 1.7 million passengers compared to up to 35 million in Dublin. Some 500,000 or 1 million extra passengers through Shannon Airport would make an amazing difference to the lives of many people who work in the airport and the tourism and hospitality sector in the region. The lack of growth in Dublin would only help the city and Dublin Airport. If there is to be further growth of 1 million passengers in the coming years, it would be lost on Dublin and would merely put further pressure on the infrastructure there. There is a real opportunity to get a policy shift right now by putting in place the key supports that will enable the recovery of Shannon and to skew in an incremental way increased growth in Shannon and the mid-west region.

Deputy Hildegard Naughton: I do not doubt the importance of Shannon Airport for the mid-west region. I do not need to tell Senator Dooley that this will continue to be a focus of the Government to ensure it is supported. The Minister for Transport, Deputy Eamon Ryan, and I had a very good meeting with the new chair of the Shannon Group, Mr. Pádraig Ó Céidigh last Friday. We discussed the current status of the airport, the key challenges, risks and opportunities for the future, including his ambition for building back passenger numbers at the airport, as the Shannon Group continues to successfully position itself for recovery.

I welcome the commitment to the resumption of transatlantic flights with Aer Lingus and United Airlines both offering services from March next year. The availability of transatlantic

flights is critical to the mid-west region to ensure balanced regional development. We are all cognisant of the fact that these services provide support and access for the US multinationals based within Shannon Airport's catchment area. They are also critical to supporting tourism and industry in the region.

I have also been informed that next year's Aer Lingus Heathrow service will increase to twice daily from 18 February and then three times daily from 27 March and that Ryanair is planning to operate 20 routes, including the first service from Shannon to Malta. These are positive developments and recovery is being seen. The Government will continue to support Shannon Airport into 2022.

Sitting suspended at 11.10 a.m. and resumed at 11.32 a.m.

An tOrd Gnó - Order of Business

Senator Seán Kyne: The Order of Business is No. 1, Health and Criminal Justice (Covid-19) (Amendment) (No. 2) Bill 2021 - Committee and Remaining Stages, to be taken at 1 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 3 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; No. 2, Health Insurance (Amendment) Bill 2021 - all Stages, to be taken at 3.30 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 4.30 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government, the opening contributions of the Minister on Second Stage shall not exceed five minutes, the contribution of group spokespersons shall not exceed five minutes, and the Minister shall be given no less than five minutes to reply to the debate, and Committee and Remaining Stages shall be taken immediately thereafter; No. 3, Companies (Corporate Enforcement Authority) Bill 2021 - Committee and Remaining Stages, to be taken at 4.45 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 5.45 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; and Private Members' business No. 89, motion 2, regarding the TRIPS waiver to be taken at 6 p.m. with the time allocated to this debate not to exceed two hours.

Senator Fiona O'Loughlin: I support the Order of Business as outlined.

I want to give a shout out to St. Joseph's in Shankill, which specialises in dementia services. In fact, St. Joseph's is the only dedicated nursing home for people who suffer Alzheimer's disease and dementia. The staff there do an incredible job. They have put together a really exciting project and received Erasmus funding together with the European countries of Portugal, Spain and Greece, and Turkey, which is in the wider European area. The work done by the staff of St. Joseph's is really valuable and we should note same. It is important that we recognise and encourage organisations to come together and look for research funding in terms of dealing with all of the important issues that we have.

St. Joseph's has a project called Putting Project Dementia Right and is a rights-based approach to dementia. A charter of rights will be developed for people with dementia and, importantly, their care givers. They are looking at devising a European professional guide that will help anyone with dementia and their care givers. They will also produce innovative materials as a support. The work that Ms Siobhán Grant and her team are doing in St. Joseph's in Shankill

needs to be noted and I wish them well. In early 2022, representatives of the four partner countries will come here and we will get to hear more about the project.

Last week, my colleagues and I met Mr. Mark Keane, president of PDFORRA, to discuss the people who joined post 1994. If they have not been promoted then they are obliged to leave after 20 years of service. If such a situation continues then we will lose approximately 1,400 personnel next year, which would be a ridiculous situation. We all know the pressure on the Defence Forces so it makes no sense to discharge medically fit and physically fit men and women who wish to remain in the force. There have been conversations about this matter with the Minister for Defence, Deputy Coveney, and I have spoken to the Minister for Public Expenditure and Reform, Deputy Michael McGrath, on this matter. I hope that a decision will be made to change the situation.

Today is Animal Welfare Awareness Day and funding of almost €4 million has been given to 98 animal welfare organisations around the country, which is welcome. It is important to acknowledge the important role that these organisations and volunteers do day in and day out. It is also important to herald the new animal welfare strategy. As well as giving support, it is important that we send a strong message to anyone who is thinking of getting a pet for Christmas. I urge people to think long and hard about how much care an animal needs and then, if they decide to get an animal, they should go to the welfare organisations. My family has always got their animals from a local shelter. If people are not going to get an animal from a shelter then they should buy from a respected breeder.

Senator Tim Lombard: It is important that we discuss the current state of the pandemic. It is a crisis that has affected this country for the last 21 months. If Senators listened to the media outlets this morning they will have heard that new regulations are due to come forward, through the Cabinet, in the next few hours. This House should discuss the new regulations. We must discuss whether the regulations will stipulate how many people can socialise together, for example. We must come to grips with the impact these regulations will have on society and on Christmas.

There is a huge issue concerning the booster vaccine and its roll out. In Cork, there were six vaccination centres during the first roll out of vaccines but that number has been cut down to three centres. There is also no vaccination centre at the Munster Technological University campus, Páirc Uí Chaoimh or Clonakilty. It has been a mistake to limit the number of vaccination centres. There have been huge queues, particularly at the weekend, and people have had to wait up to three hours in City Hall. All of that has had a huge impact on people's ability to get the vaccination booster.

Let us consider the change in legislation. I refer to the fact that the period between the second vaccine and receiving a booster vaccine has been reduced from five months to three months. That is a huge issue now. People want to get the vaccine but the restricted number of vaccination centres is becoming an issue. We need to re-engage and bring forward plans to re-open these vaccination centres in the next week or ten days. That must be a key focus in terms of what happens today.

We need vaccination centres. It makes no sense to close the centre in Clonakilty. There is now only one vaccination centre in Bantry to meet the vaccination needs of the entire west Cork area and it only does walk-in appointments on a Sunday. The capacity and geographical issues need to be taken into consideration. There needs to be a rethink so we need to know how

many centres exist, who mans them and how long they are open. That information will help us to get the throughput of people through the vaccination centres. We have a significant problem in conveying the vaccination message to the people who want to be vaccinated, need to be vaccinated and have an opportunity to get a vaccine.

It is important that people can be vaccinated at the appropriate time. The step taken in respect of the three-month issue is of considerable importance. We have limited the time between the second and third shots. While we need to start to promote people to come in to get that as soon as we can, if they see three-hour queues, they will not do it. That is becoming an issue for us. Announcements are coming today which will be somewhat restrictive. We need to revisit the capacity issue in order that we can get these booster shots done.

Senator Victor Boyhan: I seek a debate early in the new year on sport. We sometimes take it for granted and I cannot recall much debate in all my time in this House on sport. I say that against the background of a week when the Government announced an €80 million financial boost to sport and that has to be welcomed. I would like to see a more even distribution and certainly some of the lesser-practised sports getting more funding. However, that is another day's work. We have moved a long way from the politicisation of the funding for these clubs. For so many years, it was about who was the Minister or whose constituency was it and I am happy to say we have moved on from that, which is a good thing.

Today on "Morning Ireland" the issue of women and young girls trying to access sport was covered. Under the chairmanship of Deputy Niamh Smyth, the Oireachtas Joint Committee on Tourism, Culture, Arts, Sport and Media will meet to discuss the challenges facing women in sport. I would like to see from that discussion is a debate in this House early in the new year to which we invite the Minister of State, Deputy Chambers, who, ultimately, has overall responsibility for sport, to come into us and talk about it.

I acknowledge there has been much progress on women and girls in the wider range of sports. I think of Kellie Harrington and Katie Taylor on the global stage, but I also think of ladies' football and hurling and the performances of Irish women on the soccer team that have boosted the profile of ladies' games and given young girls role models to look up to. That is very positive. How and ever, we still have issues. A club told me two weeks ago that women were outside and the changing rooms and pitches were locked. We still have facilities in which women cannot access the same public facilities as men in sport and we see this being raised in the local sports partnerships and other issues. There is a huge debate about equal access to sport and participation. The Government's announcements are a good news story, especially the local sports partnerships.

As I am conscious I will not be here for the Order of Business again this week, I will use this opportunity to thank the Cathaoirleach, the Clerk, his staff and all the staff involved in the running of this House and all the support teams, ushers and all the other staff. I especially want to single out the library and research team who do an amazing job, and the catering people, but especially that group. I thank them for their support to us, which enables us to do our work in this House. I wish all a very happy Christmas.

Senator Vincent P. Martin: Even in such challenging Covid times, it has been and remains important for legislators to legislate, which is their primary role, on a wide raft of diverse topics of concern. This morning, I seek leave of the House to take No. 16 ahead of No. 1, thus permitting me to introduce my Bill entitled the Regulation of Air Traffic Over Sporting Events Bill

2021. This Bill, if enacted, would provide certain protections against unfair betting activities in sporting events and for that purpose to regulate the operation of certain aircraft over sporting events, when the organisers of these events seek and obtain the appropriate proposed designation. The Bill also provides, in certain circumstances, for exceptions to some for any area of airspace that may be restricted for the duration of a live sporting event. The Bill is a reasonable and proportionate response to a growing problem, which can distort the experience of people attending sporting events and give some an unfair advantage and undermines the organisation and organisers of such events. There is also a safety consideration.

It is not just about horse racing; it covers all sporting events. It is not just Ireland. There was a debate recently in the House of Lords. However, I am aware at first hand of the problems in three racecourses in the county where I live which impede members of the Garda in carrying out their functions, when there is a lacuna in the law, and the Garda is supportive of any initiative that can alleviate the problem and protect stakeholders adversely affected.

I thank a number of Senators for their support, especially Senators Paul Daly and O'Loughlin, who are aware of this issue. I look forward to it being debated in the fullness of time and legislated upon in the not-too-distant future.

Senator Fintan Warfield: There are reasons people find it so difficult to live at peace with who they are and to whom they are attracted, both physically and emotionally. The criminalisation of homosexuality until 1992 created a dark cloud over our country, enabling the kind of homophobia that existed in the institutions of the State, an Garda Síochána, in these Houses or among people who took it upon themselves to beat or sometimes kill those who did not conform.

More than six years on from marriage equality, almost monthly, there are reports in the LGBT press about homophobic and transphobic attacks. LGBT youth are still bullied in our schools for who they are and what they look like. More than one third of students reported being shoved or pushed because of their sexual orientation. One in ten of them have been punched, kicked or injured because of their sexual orientation. To accept that reality is to invite depression, anxiety, self-harm and attempted suicide. There are chilling statistics on all of this.

Last Tuesday, a Senator here spoke about the INTO LGBT group, BeLong To, Ireland's LGBT organisation for young people and ShoutOut. The Senator said that these groups "have been allowed to bring harmful and inappropriate resources, interventions and programmes into school". These groups do lifesaving work, for which I thank them. I want to work with Senator Keogan because I believe the kind of Ireland I caught a glimpse of in her contribution and articulated in her speech last Tuesday is not the kind of country in which she or any of us here want to live. My intention is not to embarrass anyone, it is more a plea to Senator Keogan to reflect on the power of her words. I also rise to protect the integrity of the work these groups do and highlight its importance in combating the bullying of LGBT youth by creating a safe and inclusive environment in our schools and allowing all children in our schools to be well informed about their family members, friends and schoolmates.

Senator Rebecca Moynihan: I pay tribute to Senator Warfield. It is often not easy to call something like that out but he is a credit to the community that brought him up and rather than pulling up the ladder behind him, he is leading the way on supporting young LGBT men, women and non-binary people coming up.

It is a bit embarrassing to follow it up because I will be following up with the technical and local issue of DART+ and BusConnects, which are vital public transport projects we will see rolled out in the coming years. DART+ and the expansion of a rail line in Dublin it entails is a welcome development, if we are to reduce the number of people travelling in cars and meet our climate action targets. That said, it is bizarre that we are rolling out these significant public transport projects but leaving certain elements of them unfinished.

One glaring omission in the current DART+ south west proposals is the lack of a station at Kylemore. Originally, we were told a space would be set out for a station to be built in the future and as recently as last week, it was said at the National Transport Authority, NTA's, information session on the greater Dublin area transport strategy that it could be possible for a station at Kylemore to be constructed in parallel to DART+ but that was not happening as part of the project.

This is apparently because including a station at Kylemore as part of DART+ would slow down the whole project. We are not connecting the dots or adding up, when rolling out this vital public transport infrastructure. While the last thing any of us would want to do is slow down the roll-out of a project like that, the slow development of public transport and of stations for areas such as Kylemore, Ballyfermot and Chapelizod is unacceptable. We need to do this right. Part of that is ensuring that the public actually have access to public transport through having stations in dense neighbourhoods. Essential to that is having stations or stops nearby.

As proposed, there will be no Dart+ station between Park West and Heuston Station. This will render the welcome extension of the Dart line inaccessible to so many people who live in the area. The whole city needs proper access to the expanded transport system. I urge the NTA to make spatial provision for future stations in areas such as Kylemore in parallel with the project as it is being rolled out.

I also wish to raise the beginning of the BusConnects roll-out and, specifically, the new C-spine bus route. Again, it is brilliant to see the long-awaited expansion of the system but it will also mean that many children who are going to school from Chapelizod to Lucan and who are getting the C-spine buses every day will have to walk a long way around. There is no foot-bridge being built to allow these kids to safely access the new bus route. Again, at the NTA session last week, it was stated that it would be part of the Dublin core bus corridor development but it would not be happening for some time yet. Both of these issues speak to the need for a wider approach with regard to the new transport strategy and making it easy and accessible for people to use public transport in this part of west Dublin.

Senator Lynn Ruane: I, too, will not be speaking again on the Order of Business this week so I wish everyone, both Members and Oireachtas staff, a very happy Christmas.

Christmas is a time I really enjoy. I love being at home with my family but it comes sometimes with a huge amount of guilt when I look around at my community and the hardships that people face. I can see the steady flow of loan sharks' cars coming in and out and what it takes for people to actually try to give their children what they want. As a lone parent trying to pay rent and not being in employment, I used loan sharks for many years. I know the loop that a person can get into with that when the credit union loans are building up. It got me thinking when I see that because I feel I am very in tune with my surroundings and with the environment in my community. It made me think of the efforts we go to not be poor but how we are poor.

Poverty now looks very different from what it did in the 1960s and 1970s. My dad used to tell me about bringing jam jars to the cinema to try to swap them for a ticket or about people having to put beer mats in their shoes because there was a hole in the sole. That is not what poverty looks like anymore. Because poverty does not look the way it used to, people do not realise that individuals are living in extreme poverty even when they have a pair of Nike trainers on their feet and a shiny new tracksuit on their back. They have the latter because they are doing everything they can to keep up appearances in order to not stand out and look different. It is hugely competitive out there and parents are trying so hard to be able to give their kids what they want. That comes at a bigger cost in the context of what poverty actually really means, however. No longer is it only poverty of material things; it is poverty of information, access, dialogue, cultural events, social capital and being able to choose what a person does with his or her life. It is poverty of not being able to engage in critical dialogue and analysis of what is going on with vaccines. Poverty seeps into so much of the psyche and impacts on people's health and well-being in such a stark way that it is so hard to get out of that loop.

I would like to have a debate on poverty in Ireland in the new year. I am very familiar with urban poverty, but I know the rural experience can be very different. We need to discuss what poverty looks like in the more general sense in the 21st century. We also really need to discuss the systems that perpetuate poverty in order that we can move beyond making cosmetic change to policies and actually look at real system change that will end poverty in Ireland.

Senator Malcolm Byrne: I endorse the remarks of my colleague, Senator Warfield, in response to comments made by Senator Keogan last week. I happen to know the work that BeLonG To, ShoutOut, Transgender Equality Network Ireland, TENI, and the INTO LGBT+ Teachers Group happen to do. They provide confidence to young people when they are often at a particularly vulnerable stage in their lives. Their motivation is not political. Their motivation is purely about giving young people certainty, often at a very vulnerable stage. It is important to acknowledge that work in this House. We have made enormous advances in tackling homophobia. We have probably not gone quite as far in tackling transphobia. There is still much work to do and language does count. For young people, particularly teenagers, it is really important that they feel that they have the support at that stage in their lives. I strongly support Senator Warfield's remarks in that regard.

I wish to raise an issue concerning social media and I am aware that we have the online safety and media regulation Bill in this House in the new year. Mr. John Hand, who is a journalist with the *Irish Mirror*, wrote a story about the crime boss, Daniel Kinahan, which he then posted on Twitter. An anonymous account reported him to Twitter because he made reference to Daniel Kinahan as a drug baron and crime boss. On foot of that anonymous account, John Hand's Twitter account was frozen. This comes back to one of the regular problems we have seen with Twitter's failure to deal with anonymous accounts. In this case, however, a reputable journalist, who was reporting on a crime boss, had his account frozen. We now need to ensure, as part of the legislation that is coming in the new year, that we take strong action to deal with anonymous accounts. I also expect that in areas such as this we would see more responsibility being taken by social media companies.

Senator Jerry Buttimer: I support Senator Warfield as well. I have three requests today, the first of which relates to the vaccination programme. I ask the HSE to reopen the vaccination centres in Páirc Uí Chaoimh, the Munster Technological University and Clonakilty in County Cork and to redeploy staff to those centres. It makes no sense that those centres are closed in light of the fact that we are ramping up the programme relating to vaccine booster doses. I

ask that the redeployment happen as a matter of urgency. I also that we work with community pharmacists and GPs. In the biggest county in Ireland, it makes no sense to have only two vaccination centres right now. I ask that the Minister for Health address this matter immediately.

My second request is regarding primary schools. I call on the Minister for Education, Deputy Foley, to close primary schools on Friday. I do so for a number of reasons. One is that Covid-19 is running riot in our primary schools, whether it is through close contacts or actual physical cases. Absenteeism in primary schools is at an all-time high. I know of one instance where from a population of fewer than 700, there are 100 absent from the school. I ask this of the Minister in the interests of public health. We all know there will be intergenerational mixing over Christmas. To stop or limit the spread of Covid-19, I ask the Minister to close primary schools on Friday to allow for a planned reopening in January but also to prevent the spread of Covid-19. Primary schools are probably the one place where we have the most unvaccinated people, young people in particular, gathering at any one time, although they are wearing masks. I appeal to the Minister for Education to close primary schools on Friday next as a public health measure in order to support the good work being done by the Government and the HSE.

Senator Rónán Mullen: We are approaching the season of peace and goodwill. “*Pax*” is the Latin word for peace. All I want for Christmas is a packet of Paxlovid.

I know that Senators Warfield and Keogan are good people and people of goodwill, and I believe much more unites than divides them. However, this is what I would like to see. Criticisms may perhaps be made regarding what is sometimes now put across in our schools. We can all unite about making our schools cold houses for bullying of any kind and promote the self-esteem and identity of every person while allowing people to have their deeply felt values and convictions, as they do about sexuality, family and all of that, all of which are really important. We need to stop shaming people for their points of view and get into discussion to see what can unite us.

I commend Senator O’Loughlin on reminding us that today is Animal Welfare Awareness Day. One thing I have observed in recent years, which may be a strange twist in our society, is that we are perhaps better at loving other people’s animals than we are at loving other people’s children.

12 o’clock

am an animal lover. Maybe that is to do with the vulnerability of animals but sometimes children are vulnerable and there is no person more vulnerable than the unborn child.

That is why I want to draw the attention of colleagues to the Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Bill 2021, which will be discussed on Second Stage in the Dáil today. Growing amounts of scientific literature are revealing the fact that unborn babies have developed sufficiently by 20 weeks’ gestation to experience symptoms of pain, with other studies indicating that this capacity to feel pain may manifest even earlier than 20 weeks. In cases of late-term abortion, including dilation and evacuation abortions where an unborn baby is dismembered, it is heart-wrenching to think that an unborn child may suffer such undue pain. Irrespective of whether my colleagues fully subscribe to the findings of the latest scientific research, a precautionary provision of pain relief medicine is surely a minor and just way to ensure that unborn babies do not suffer undue pain in late-term abortions. We must not try to obfuscate or talk about deferring to the doctors; we are here to legislate for the common

good. We must not have a conspiratorial eye and dig our heels in on the basis of whether we label ourselves pro-life or pro-choice. I am asking for a reset on this issue to see if we can unite about something basic and decent. I am asking if we can also consider the human animal on this world animal welfare day. That is not a lot to ask.

Senator Paul Daly: I second Senator Martin's proposed amendment to the Order of Business and compliment him on the fantastic Bill he is putting forward, which I have read. It is a vitally important Bill for all sporting events. Since the inception of pay-per-view television, the main source of income of many sporting organisations has been the sale of their media rights. Something needs to be done to eliminate the practice of people illegally broadcasting those rights. It is giving some people an unfair advantage in gambling, which is another day's debate, with time lapses and so on. I compliment the Senator on his Bill. It is a pleasure to second his proposed amendment.

I raise the EU Covid certificate. Now that we are getting up and running in a serious manner with the booster campaign, it is vital that, hand in hand with that, we give people acknowledgement on their Covid certificates that they have had the booster jab. A number of countries are putting an upper time limit on the duration of vaccination and the Covid certificate. Depending on the country, the Covid certificate can become invalid five or six months after the date of the second vaccination. We could further encourage people who need to travel to these areas to take the booster jab by including it on the Covid certificate. This would elongate the certificate's lifespan and open many doors for people when it comes to travel, entertainment or whatever.

Senator Maria Byrne: I welcome the good news on the allocation of over €10 million to Shannon Airport and the announcement of 130 jobs for Limerick and the mid-west. On world animal welfare day, the feral cats project in Murroe was awarded €12,000 and Limerick Animal Welfare was awarded over €76,000. This is great news from the Government for Limerick and the mid-west and I welcome it.

I bring to the attention of the Acting Leader, Senator Kyne, that I am friendly with somebody who does private tours and encourages people to come to visit Ireland. In March 2022, the company had 15 group bookings. It now has none and February is similar. This person brought it to my attention that previously people would cancel and rebook for a later date. There is a fear factor and people are not booking. There will be empty buses in February and March, the time of the year when the weather is improving and they tourists are expected to visit the country. We will have to look at supporting these businesses.

Senator Lynn Boylan: I am here this morning because I gave a commitment to the families of those who died in the Stardust fire that I would never stop advocating for them and fighting on their behalf. I am back again to raise the Stardust inquest. On 22 February 2022, the arrangement between the Department of Justice and the RDS for the location of the inquest will expire. While assurances have been given by the Department of Justice that it is working on a venue, it is only fair to say that the State's track record on the Stardust fire has been one of systemic abuse of the families. The families are, therefore, rightly anxious. The Minister for Justice must give them certainty ahead of Christmas. They have always argued for a centrally located and appropriate venue for the inquest, which will be the largest in the history of the State. The families are travelling from many different parts of the country and some have mobility issues, so it is only right that the venue for the inquest should cater to their needs.

In the past year and a half, I had to come into this House to ensure all families have access

to legal aid in the inquest. I had to come back again to seek a solution to the situation whereby everyone was getting paid except the families' lawyers. Here I am, back again. I ask the Acting Leader if he will seek a firm commitment from the Minister for Justice to find an alternative venue or extend the current arrangement by the end of this year in order that the families do not have to face into the new year not knowing where the inquest will be held and if there will be delays as a result. They at least deserve that certainty ahead of the Christmas holidays. I appeal to the Acting Leader to write to the Minister for Justice and seek that clarity for the families.

Senator Aisling Dolan: Further to Senator Warfield's contribution, I acknowledge the concerns that have been raised. Our priority is children's health and well-being and it is about inclusion for all. The Joint Committee on Education, Further and Higher Education, Research, Innovation and Science has recently done a report on bullying, including cyberbullying, which affects one in three children. That is shocking and we have to do our utmost to reduce it. I know a consultative approach is being taken and I acknowledge that the Department of Education will do a final round of consultations on a number of the reviews throughout 2022.

I welcome the funding for Ireland West Airport Knock. Just yesterday, we heard incredible remarks from a Deputy in the Dáil on the Galway city ring road. This was a week after the deadline for the connecting Ireland rural mobility plan. I campaigned in Galway and Roscommon to highlight that we do not have bus connections to our towns and cities and that some of the public services in the area are atrocious. The Minister for Transport, Deputy Eamon Ryan, is putting in place a plan to support connections which we desperately need. To where will these buses travel and on what roads will they travel? I am curious about that. Is there a cloud function available for buses? I do not think so.

People in Galway are at their wits' end. I travelled to and worked in National University of Ireland Galway. I commuted for up to six or seven months before I made the decision that trying to commute from Ballinasloe to Galway was pretty much impossible. I would arrive late and I never knew at what time I would arrive. It took 25 minutes to get from Ballinasloe to Galway hospital, which was perfect, but the time it took to travel about 3 km across the city changed from day to day depending on the time of arrival, if I got up early enough, got out of the house at 6.30 a.m. or hit the city at 7.30 a.m. A ring road is crucial infrastructure, which we do not have. Look at the other cities in the world that have this infrastructure. How on earth will we get investment in the west of Galway city and the likes of Moycullen, Clifden and Spiddal?

Senator Sharon Keogan: I was not due to speak this morning but I was in my office and I listened intently to Senator Warfield's contribution. I have never come into this House without doing research on subjects I have spoken about. When I speak about something I speak with knowledge of the subject I am talking about. With subjects like this, I always come from a place of love, compassion and a wish to protect children. That is all I come from. If anybody wants me to brand me as anything else, I would say that the three things I always bring into this Chamber are love, compassion and protection when it comes to the safeguarding of our children. We may have different views on things. When it comes to subjects like that or the education of our children-----

An Cathaoirleach: Through the Chair, please. We are not having direct conversations.

Senator Sharon Keogan: Sorry, through the Chair. My door and heart are always open to talk about issues. When it comes to the education of our children, it is important that we have

these conversations and that the correct policy is there to educate our children, from primary through to secondary level. I certainly want children to grow up in a happy environment and to be the people who they are.

Senator Emer Currie: Friday is the deadline for the greater Dublin area draft transport strategy for 2022 to 2042. Within that is the revised greater Dublin area cycle network. The last strategy was in 2013. I am not sure that people are aware that the new cycle network is in the plans, so I would like to bring people's attention to that. On close inspection, it seems that the concept of a Liffey Valley greenway has been dropped in those plans, which is disappointing. The Liffey Valley is thankfully protected under a special area amenity order. It needs more protections from an environmental point of view. There is potential for a greenway between St. Catherine's Park, Strawberry Beds, St. Edmundsbury, Waterstown Park, Farmleigh Park and the memorial gardens in Islandbridge. Being able to cross the Liffey at different points, as people used to use the Liffey a long time ago, would connect the villages of Leixlip, Lucan, Clonsilla, Castleknock, Chapelizod and Palmerstown. It is an exceptional, outstanding area of beauty and biodiversity. It is an ecological corridor of cultural and heritage value. By providing a sustainable route, it could be a world-class sustainable tourism trail. I am asking for the Liffey Valley greenway to be reinstated into the greater Dublin area cycle network by the National Transport Authority. I am seeking better environmental protections. We need to open it up responsibly to the public and protect it from development.

Senator Erin McGreehan: I would like to address Senator Buttimer's remarks about closing schools early. The coming period is a wonderful time for our children in primary schools. It is important that they stay in school until the end for many reasons. I know there will be public health advice if a school needs to close due to its own specific circumstances. I think that, in general, schools should remain open until the end of the school term.

I welcome the UK Supreme Court judgment that the PSNI decision not to investigate the so-called Hooded Men incident was wrong. This is another example of how the British state structure systematically failed, time and time again, to uphold any decency or rule of law. It colluded with both sides of that war.

Senator Rónán Mullen: Human rights for slow learners.

Senator Erin McGreehan: Absolutely. This type of injustice and the intergenerational pain and trauma go on without answers. These families are suffering time and time again. They do not know where their family members are. We come in here repeatedly and we ask the so-called best Opposition in the country where the bodies are. Where is Columba McVeigh? Who killed Jean McConville on the beach that I played as a wee girl? Who killed her and left her there to rot? Who killed Tom Oliver? None of these answers are ever given. There is no hierarchy of justice. These people and families are suffering and we need answers from every quarter, including the British and the terrorists.

Senator Erin McGreehan: Hear, hear.

Senator Martin Conway: Yesterday, 14 December, was International Sign Language Day. We should always celebrate that day because this House, under the Cathaoirleach's leadership, was responsible for the Irish Sign Language Act, which was signed into law on 24 December 2017. During the pandemic, we saw, front and centre, how important signers are. I offer a shout-out to the people who work in sign language, train our signers and use the service.

I previously raised the situation where people in rural Ireland pay more for their train and bus fares than people living in suburban Dublin and the suburbs of other cities. It is unacceptable that people travelling from Ennis to a college in Galway pay 40% more for their rail fare than people living in Maynooth and going to college in Dublin. It is the same with buses. Somebody living in Ennis who is studying in the University of Limerick pays more to travel by bus, with Bus Éireann, than somebody living in Leixlip who is studying in UCD. We are either serious about public transport or we are not. If we are serious, we would create a level, equitable playing pitch for everybody, irrespective of what part of Ireland they are from. We are providing €100 per household for electricity bills, which will cost €200 million, yet we are crucifying young people who want to live at home, use public transport and go to college. I do not see the logic in not dealing with this. I commend two people who have campaigned on this for a long time, Councillors Joe Fox and Sharon Tolan. They regularly point out the stupidity of the fare structure in this country. In January, I would like a specific, focused debate on public transport charges in rural areas compared with urban areas.

Senator John McGahon: Over the weekend, there was speculation in the *Irish Independent* after an interview with the Minister for Finance that the Government wanted to introduce tax cuts of up to €600 over the next three years. I welcome that. I firmly believe that it is better for individuals to have money in their pockets to decide how they should spend it and ultimately inject it back into the local economy. I welcome the premise of the idea. I ask that the Government and Minister consider a marginally different approach whereby, instead of an incremental tax cut which the individual gets over 12 months, it might be better to look at a single tax rebate that could be delivered at the end of the year or in January. That is the toughest time financially for many people. If we are going to go ahead with tax cuts, absolutely, let us do so. Let us be radical about it.

Senator Fintan Warfield: Let us not do that.

Senator John McGahon: I did not interrupt Senator Warfield.

Senator Fintan Warfield: Senator McGahon was not here.

Senator John McGahon: I make a point of not-----

Senator Fintan Warfield: There was €500 million in the budget. Why do we not-----

An Cathaoirleach: Senator McGahon, without interruption.

Senator John McGahon: I make a point of not interrupting other Members when I speak in this House. I would appreciate if Senator Warfield gave the same courtesy to me.

I will return to my point from before I was interrupted. This would be a good idea and we should look at it. It benefits ordinary workers. Let us cap it for higher earners too. We should do this. If we are going to do it anyway, let us do it with a single rebate. It is used regularly in most European countries and other states around the world. I would appreciate a debate in the new year about our tax brackets and what we intend to do with tax over the next two to three years.

Senator Garret Ahearn: The Dean Maxwell home in Roscrea is a residence for long-term residents. There is real concern within the community and the area about a deadline for long-term residents of 1 January 2022. There has been much confusion and many promises made.

There is real concern within the Roscrea Community Development Council. In fairness, Mr. Steve Crofton sent a letter to Deputies outlining the concerns of the council about the matter with a request that the deadline of 1 January 2022 be extended. Promises were made in Tipperary that the national development plan review would have a statement in it about the funding of the Dean Maxwell facility. There was no such statement in the national development plan review, which means there is no funding there at the moment to keep the facility going.

The Minister of State, Deputy Butler, in fairness, has visited the facility but we are now in a situation where the senior Minister, Deputy Stephen Donnelly, needs to give clarity to people in the Roscrea community. It is not right or proper that they are being led down different paths by what is being said to them with no clear indication from the Department of Health or the Minister, in particular. A letter was sent a couple of months ago to the effect that the facility was going to close on 1 January 2020. That caused absolute outrage at the time. There is still no clarity on the matter and we are only three weeks away from 1 January.

Staff at the Dean Maxwell facility are wonderful people who give a fantastic service for the community of Roscrea and the surrounding areas. It would be helpful if the Minister gave some clarity and made a statement to reassure the community and the Roscrea community development council before the Christmas period.

Senator Barry Ward: I want to talk about cyberbullying and, in particular, gender-based cyberattacks that are taking place against people across this country and continent. We have made a lot of progress recently in terms of legislative initiatives and making it clear that certain online activity must be illegal and cannot be tolerated. It is important we set down those markers to recognise the damage this kind of activity does to individuals, particularly women, who seem to be much more often the target of that activity, and to society as a whole. In that regard, we need to move into spheres that are less legislative and more campaign based, to inform people about their obligations and the risks involved in posting abusive posts, trolling, posting images that are illegal and that kind of thing.

I acknowledge the work of Ms Maria Walsh, MEP, in the European Parliament in that regard. Ms Walsh and Ms Elissavet Vozemberg-Vrionidi, a Greek MEP, both members of the European People's Party, have called for a campaign from the European Commission to tackle gender-based cyber-violence against people. That is the kind of measure I would like to see us adopt here. There is room for us to have a debate on this issue and to bring the Minister for Justice before the Seanad to discuss what measures the Department of Justice can put in place to mount a campaign in this jurisdiction specifically targeted at the people who are involved in this kind of activity, to make it clear to them just how much damage they do, just how unacceptable it is and just how criminal it is so that if people are going to engage in this kind of activity, they know the risks involved, that it is illegal and there will be criminal consequences at the end of it.

Senator Seán Kyne: I thank all Senators for their contributions on a wide variety of topics, starting with Senator O'Loughlin. She talked about the work of the St. Joseph's centre in Shankill regarding dementia. I compliment her, as chair of the all-party committee on dementia, on her work in highlighting the issue and engaging with experts in the whole area of dementia. It is important work because we never know who in our family or among our loved ones will be impacted by dementia and Alzheimer's disease.

Senator O'Loughlin also raised the issue of PDFORRA and the 1,000 soldiers who will retire next year after 21 years of service. I will talk to the Minister for Defence, Deputy Coveney,

about that. She also raised the welcome €4 million funding for animal welfare charities, as did Senator Maria Byrne. I concur, as I am sure we all do, with the Senators' statements about the valuable work animal welfare charities do up and down the country.

Senators Lombard and Buttimer raised the issue of Covid-19 and the booster vaccination programme, and called for the reopening of centres in Cork. Decisions are being considered in respect of, for example, the 15-minute waiting period. Consideration is also being given to the three-month and five-month period between second jabs and a booster jab. All of that will be taken into account and I am sure we will see increased resources being put into the provision of the best possible booster campaign. I will certainly ask the Minister for Health to look at the number of centres in Cork. We will also see an enhanced role for pharmacists and GPs in the provision of the booster campaign.

Senator Boyhan talked of the importance of sport to women and girls. Access to sport is important and I will ask for a debate on that matter in the new year. If I remember correctly, it has been some time since we had a debate on sport in the House. I will ask for that.

Senators Martin and Paul Daly talked about legislation. I have not seen the Bill and I am not entirely familiar with what will be initiated or what is planned. However, I am sure it will come before us on some future date and we will give it every consideration at that point. I commend the Senators on the work they have done on the issue of betting and their intention to provide better protections around fair betting.

Senator Warfield, supported by Senators Buttimer and Maria Byrne, and responded to by Senator Keogan, talked about LGBT issues and comments made recently by Senator Keogan. I do not know what to say. It is a matter of live and let live and walk a mile in my shoes or her shoes. Everybody is different. Everybody goes through their own situations. Everyone has their own issues. For young people, in particular, growing up with issues around their sexuality or gender, nobody other than themselves can understand what they are going through. It is difficult to judge anybody based on one's own experiences. Everyone is an individual. Everyone has the right to live, to be loved, to love, to be respected and cherished, and not to be bullied, stigmatised or anything like that. It is important that we give everyone, and particularly young people, the chance to live their best lives. There are enough pressures and stresses on life in this world without being bullied for who you are or who you are trying to be. Live and let live. Let everyone experience their life to the best of their abilities.

Senators Moynihan and Currie talked about transport issues, the DART+ expansion and BusConnects. I am not entirely familiar with the projects they raised. Perhaps some of them might be better suited to a Commencement debate in the new year. I know that for any of these strategies, there are public consultation periods and I am sure the Senators will participate in those.

Senator Conway spoke about the fare structure. There are areas without adequate public transport and areas with public transport that is so expensive it is prohibitive. There is a need for a root-and-branch approach. I know the National Transport Authority is doing work to increase the level of public transport. The Government made a decision in the most recent budget to reduce the cost of transport for those aged under 23. Consultation is certainly needed. Senator Currie also talked about the greenway at Liffey Valley. Those initiatives are all part of the consultation process and people and communities need to be engaged with and listened to.

Senator Ruane talked about loan sharks and poverty. I will request a debate on poverty. It is an important topic. Not everyone experiences it but we all know that it happens in certain communities. It happens even in some of the communities that are perceived as better off. People do not know what others go through behind closed doors, their problems and costs, what members of their families are going through, or what issues they are facing, whether because of gambling, drug addiction or the cost of living, which we have all seen rise. The Government is doing its best to respond to that rise. I will ask for a wider debate on that issue.

Senator Malcolm Byrne talked about the suspension of the Twitter account of a Mr. John Hand. Perhaps we need to look at the regulation of Facebook and its workings again in the new year.

Senators Buttimer and McGreehan had a difference of opinion about primary schools. In case anybody feels that will result in a decision being made quickly, any decisions in this regard will be made by the Government on the advice of public health officials and the Minister for Education and not in response to any individual calls for closures. I respect the different views of the Senators. However, as it is, the Government and the Minister will make the decisions and announce if there are to be any changes.

Senator Mullen commented on the season of goodwill, and so say all of us, and on the need to stop shaming people. He referred also to the Health (Regulation of Termination of Pregnancy) (Foetal Pain Relief) Bill 2021 on the unborn. It is being debated in the Dáil today and it will be voted on. Again, I am sure we are all receiving much correspondence on this very difficult issue. Obviously, it is an issue that deserves fuller debate. Members of the health committee will review the working of the legislation which will be initiated in the new year. Areas such as this that were not part of the original Bill should be at least looked at and investigated to see whether there is an important role as should the science behind this. I am sure there will be a fuller debate in the Dáil. If it passes in the Dáil, it will reach us at a later date.

Senator Daly talked about the EU digital Covid certificates. Again, they are being updated in different countries with different approaches. In France, the third dose is required to be regarded as having a Covid certificate or a Covid passport. The question is, where is it all going to end? Will there be a fourth shot in early summer? Will there be another shot again next winter? Will it be something that we will have with us permanently? One of the Senators requested a debate on changes in regulations. I am not sure what changes in regulations have been planned for today but if there are any changes they will be announced. If it is possible to have an update before the close of term, I would agree with that.

Senator Boylan talked about the Stardust inquest and requested that we write to the Minister for Justice. I will arrange for that to happen and I will talk to her about it. Certainly, having peace of mind for Christmas or by the end of the year would certainly be beneficial to all families involved.

Senator Dolan talked about the Galway city ring road. I thought it was only me who talked about that in these Houses. Certainly, I very much concur with her commentary on that. It is an often expressed view in Galway that we have been left behind in terms of infrastructure compared to Limerick, Cork and Dublin. It is largely because projects and programmes have been delayed by objections, not because of the will of the Government or anything like that. We have been brought to every court in the land and, indeed, the EU and this has resulted in projects not going ahead. The Senator does not need to convince me of the value of the Galway city ring

road. Others will have different opinions, but An Board Pleanála has made its decision and I hope that we can progress that project.

Senator McGreehan talked about the verdict in the hooded men case. In my other role, I remember answering a Topical Issue on behalf of the Minister for Justice on this matter a number of years ago. Again, the UK Supreme Court has ruled that the Police Service of Northern Ireland, PSNI, was wrong not to investigate allegations of torture used against the hooded men 50 years ago. It said the decision has been based on the seriously flawed report and ought to be quashed. That is obviously welcome because justice is important, as is justice for the victims of terrorism, as the Senator pointed out.

Senator McGahon asked for a debate on tax. I have often said in these Houses that if you never change the tax bands, everybody will end up paying the higher rate of tax at some stage because they have to move with inflation and in line with earnings. On his question on to tax rebates, I am sure he will take that up directly with the Minister for Finance. Perhaps his suggestions can be raised in a Commencement matter debate as well in the new year.

Senator Ahearn talked about a particular project. It is too late in the year to advise him to put a Commencement matter because he is looking for clarity before 1 January. I advise him to make direct contact with the Minister on that very important topic. There appears to be a threat of closure from January. The Senator said the Minister of State, Deputy Butler, visited the centre in the past, so I am sure she is fully aware of the issue. Therefore, I would advise him to take it up directly with the Ministers involved in advance of January.

Senator Ward talked requested a debate with the Minister for Justice on cyberbullying and abusive posts. It goes back to comments regarding Facebook and the suspension of accounts Senator Byrne talked about. Again, I will request the Minister for Justice to come in the new year to talk on this very important issue.

An Cathaoirleach: Senator Vincent P. Martin has moved an amendment to the Order of Business: “That No. 16 be taken before No. 1.” The Acting Leader has indicated that he is prepared to accept the amendment. Is the amendment agreed to? Agreed.

Order of Business, as amended, agreed to.

Regulation of Air Traffic Over Sporting Events Bill 2021: First Stage

Senator Vincent P. Martin: I move:

That leave be granted to introduce a Bill entitled an Act to provide certain protections against unfair betting activities in relation to certain sporting events, for that purpose to regulate the operation of certain aircrafts over sporting events and to provide for related matters.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Second Stage?

Senator Vincent P. Martin: On Tuesday, 21 December 2021.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 21 December 2021.

15 December 2021

Sitting suspended at 12.36 p.m. and resumed at 1 p.m.

1 o'clock

Health and Criminal Justice (Covid-19) (Amendment) (No. 2) Bill 2021: Committee and Remaining Stages

NEW SECTIONS

Senator Paul Gavan: I move amendment No. 1:

In page 5, between lines 1 and 2, to insert the following:

“Definition

1. In this Act, “relevant statutory instrument” means any regulation made under:

- (a) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;
- (b) the Emergency Measures in the Public Interest (Covid-19) Act 2020;
- (c) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;
- (d) the Health (Amendment) Act 2020;
- (e) the Health (Amendment) (No. 2) Act 2021; and
- (f) the Health (Amendment) (No. 3) Act 2021.”

As the Minister of State will see, the purpose of this amendment is to provide a definition of “relevant statutory instrument”. It is there because we want to gain oversight on the following amendment. I stress that Sinn Féin fully supports public health measures. I want to be crystal clear about that. As I mentioned last week, I was lucky enough to get my booster vaccine. I always take the opportunity to encourage anyone watching or listening who has not been vaccinated to get vaccinated. It is more important now than ever because we just do not know what we are facing.

Our issues with this Bill do not relate to the public health measures; rather, they relate to overall accountability and parliamentary oversight. I had a look at the fairly fractious debate on this legislation in the Dáil. I do not intend to repeat that because many of these arguments have been put back and forth a few times. I am pretty clear that we will probably not reach agreement on the amendments we have tabled. I will be pressing the amendments but, at the same time, we must get our business done. There is very little to be said about this amendment. It just provides a definition of “relevant statutory instrument” because that is important in terms of amendment No. 2.

Minister of State at the Department of Health (Deputy Anne Rabbitte): All statutory instruments regarding the Acts referred to in this amendment are made under the Health Act 1947. As far as the Minister for Health is concerned, the matter is already covered under that Act.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 2:

In page 5, between lines 1 and 2, to insert the following:

“Parliamentary oversight of Covid-19 regulations

1. (1) Every relevant statutory instrument made by the Minister shall be laid before each House of the Oireachtas not less than 48 hours before they come into effect and—

(a) where, before the date on which *paragraph (b)* would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it, or

(b) if, in respect of each House, a resolution confirming the instruments is not passed by it—

(i) on the day it is laid before that House or within the next subsequent 14 days on which that House has sat after the instrument was so laid, or

(ii) in any other case, within 21 days after the instrument was made, whichever first occurs, then the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it,

(c) where, following the agreement of the Joint Oireachtas Committee on Health, the need of such a regulation is deemed urgent, every relevant statutory instrument may be laid before each House of the Oireachtas as soon as may be after it is

made for the purpose of this section.

(2) The period of time to which *subsection (1)(b)* relates in respect of a relevant statutory instrument that has been subsequently amended is the period of time concerned for that instrument and not to any other period of time by reference to the amending instrument.

(3) Notwithstanding *subsection (2)*, *subsection (1)(b)* does not apply to a relevant statutory instrument where, before the date on which *subsection (1)(b)* would have had effect—

(a) the instrument ceases to have effect in accordance with its provisions,

(b) the instrument ceases to have effect in accordance with any subsequent amendment duly made to it or has been duly revoked, or

(c) the instrument has been annulled by either House in accordance with *subsection (1)(a)*.”.

This amendment gets to the meat of the issue. It is about trying to establish parliamentary oversight. That is our key point here. Amendment No. 2 seeks to do a number of things. It provides that a statutory instrument made by the Minister shall be laid before each House of the Oireachtas not less than 48 hours before it comes into effect.

It talks about statutory instruments being annulled if they do not have the approval of both Houses. However, it also refers to exceptional circumstances where it may be deemed appropriate, because of urgency, that “following the agreement of the Joint Oireachtas Committee on Health, the need of such a regulation is deemed urgent, every relevant statutory instrument may be laid before each House of the Oireachtas as soon as may be after it is made for the purpose of this section”. We are trying to establish better parliamentary oversight here. We think it is important because all of us are held to account for those statutory instruments when they are introduced. Therefore, it would be helpful, useful and democratic to have some degree of oversight over them. The counterargument that came back was that there are too many of them. I respectfully suggest that this is where the Business Committee comes in. The Business Committee can determine which instruments - obviously I would say only the key ones - would be subject to this type of oversight.

Again, I come back to the principle that we support the public health measures; we are just not happy with the degree of accountability in that regard. That is why I will press this amendment.

Deputy Anne Rabbitte: The Minister for Health acknowledges that the powers in these Acts are wide ranging and they will only be in place for as long as is absolutely necessary. They are short-term public health measures to enable us to act swiftly to protect public health and the progress that everyone in this country has made sacrifices to achieve.

The Minister has listened to the concerns from the House and in that regard, he is working with his officials to streamline the information flow regarding regulations for public health measures. He has also given an undertaking to the health committee to send new regulations regarding the Health (Preservation and Protection and Emergency Measures in the Public Interest) Act 2020, the Health (Amendment) Act 2020, the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 and the Health (Amendment) (No. 2) Act 2021 immediately once they are laid. This process of informing the Oireachtas Joint Committee on Health of new regulations that have been made has already been initiated following a letter from the Chair of that committee to the Minister recently.

The Oireachtas and all Members of the Houses play an integral part in our democracy and the scrutiny of powers conferred on the Government. Therefore, a number of powers are available to the Oireachtas in relation to the oversight of regulations.

Acting Chairperson (Senator Fiona O’Loughlin): Minister Gavan, would you like to respond? Senator Gavan, would you like to respond?

Senator Paul Gavan: I was getting away carried there for a second. “Dream on”, says you.

Acting Chairperson (Senator Fiona O’Loughlin): You have been promoted.

Senator Paul Gavan: I appreciate the Minister of State’s answers and her constructive comments about commitments the Minister has made. I will try to make my point in a non-adversarial way. There have been real concerns about communications from the Department in recent times. Our concerns about that are why we need some more oversight. If we have particular concerns about particular statutory instruments that are introduced suddenly, as they often are, we should have a means of holding the Government to account. Again, our key emphasis is on parliamentary oversight. That is why we want to press this particular amendment.

I do not think there is much more I can say.

Deputy Anne Rabbitte: The Houses have the power to annul these regulations, which are made under the Health Act 1947, if they so wish. Under section 5(5) of the Health Act 1947, every regulation made under the Act must be laid before each House of the Oireachtas as soon as possible after it is made and, if a resolution annulling the regulation is passed by either House within the subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly. Basically, there is a process on it. We take on board what the Senator said about communication. The Minister himself has responded to the Sinn Féin spokesperson on health on the floor as part of this. He has been open about how he will work with all representatives to ensure that there is good communication.

Senator Paul Gavan: If may make a brief comment, again I appreciate the comments the Minister of State made. Another point I would make is that as we all know, there is a shrill and poisonous minority out there who have given people a hard time about public health measures, about vaccines and so on. We have all come across them. They represent the far right in an insidious and nasty way. My point is that building in more parliamentary oversight is important to try to negate some of the arguments, invalid as they are, that this group makes. Again, that is why I will press this particular amendment.

Acting Chairperson (Senator Fiona O'Loughlin): How does the amendment stand?

Senator Paul Gavan: I will press it.

Amendment put and declared lost.

SECTION 1

Acting Chairperson (Senator Fiona O'Loughlin): Amendments Nos. 3 to 5, inclusive, are related. Amendments Nos. 4 and 5 are physical alternatives to amendment No. 3. Amendments Nos. 3 to 5, inclusive, may be discussed together, by agreement.

Senator Sharon Keogan: I move amendment No. 3:

“In page 5, lines 5 to 18, to delete all words from and including “amended—” in line 5 down to and including line 18 and substitute the following:

“amended in subsection (3) by the substitution of the following paragraph for paragraph (b):

“(b) Part 3, continues in operation only until the 9th day of February 2022.”.”

There is much to be said on these amendments. They are simple. They take the date of 9 February 2022 as a sunset clause for the Covid-19 regulations. The amendment was put forward by the Rural Independent Group in the Dáil, but only two amendments were moved on the account of the Stages of the Bill being rushed through. We have become used to that in these instances when the Government does not wish to be challenged.

I spoke last week about the often nonsensical approach of imposing restrictions based on the worst fears and pessimistic scenarios, particularly when our modelling of such scenarios has never once been accurate, insofar as they have been subsequently borne out. As of yet, all medical reports on the severity of the Omicron variant point towards symptoms being between

not present and mild. However, the Government and the media panic machine have instead homed in on transmissibility and case numbers. These case numbers of course have been useless as a snapshot of public health ever since the vaccines severed the link between cases and hospitalisations. On top of that, the Omicron symptoms are mild, even in unvaccinated persons. None of this matters, of course. The Government has made up its mind and we are just here to go through the motions in order that the whip can be cracked and restrictions can continue to loom as a possibility all the way into the summer.

I recommend the amendments to the House. It is well past high time to send an unequivocal message to the Irish people that we are taking a step towards living with Covid-19 and doing away with yo-yoing lockdowns and foisting responsibility for the Covid-19 response on to the public.

Acting Chairperson (Senator Fiona O'Loughlin): Would Senator Clifford-Lee like to make a contribution?

Senator Lorraine Clifford-Lee: I wish to speak briefly to this amendment. I want to respond because I cannot let some of the points made by Senator Keogan go unchallenged. The modelling is a new kind of method employed for a new disease. Modelling depends on human behaviour. Human behaviour differs from country to country and society to society. It is entirely incorrect to say that the modelling should be completely disregarded because it has been inaccurate. It is a moveable feast. When people see the modelling, they amend their own behaviours.

The reports from South Africa on the Omicron variant cannot be taken to be exactly as fact as to how it would happen here. This is because South Africa has a young population. Previous strains of Covid-19 were widespread and affected many people and because of that, many people have already had Covid-19. Therefore, when those people get Omicron, they are getting Covid-19 for the second time. Of course, that will be milder. We cannot take that and hope for the best.

I remember the dark days of last January and February. I know families that were impacted. I do not want to see that again this Christmas. We are living with Covid-19. My kids are going to school every day. I can go to the supermarket. I can meet my friend for a cup of coffee. I can come into work when I need to come in. I can work from home when I need to. People are going about their daily business. People are going for their routine medical health checks. Businesses are operating as best they can. We are living with Covid-19. That is what living with Covid-19 means.

On the point about Ministers rushing in to try to pass legislation, the situation changes rapidly. Nobody would suggest that we pass legislation way in advance or that the measures are not needed. Obviously, the Government is looking at the situation. It will only do something if it is absolutely necessary. It will not do it way ahead of schedule because it might not be necessary and because they are harsh measures that involve restrictions on our freedom. However, they are absolutely necessary.

The public is behind this. The Government has put in place financial supports for businesses that have been badly impacted by the restrictions. The country is doing the best it can. Bandyng about old tropes that we have all heard a million times does not move this debate on one bit and does not help us to live with Covid.

Senator Paul Gavan: I will speak to amendments Nos. 4 and 5. Here again, we are talking about parliamentary oversight. We are trying to build in flexibility. That is why amendment No. 4 gives the Minister the option in circumstances where we have an urgent need to get approval for statutory instruments, to refer them to the Joint Committee on Health.

Amendment No. 5 certainly has merit. What we are asking for is a review of the functions and impact of the provisions of the legislation, including on human rights and mental well-being. That is something that we can all relate to. There has been a significant strain on families and communities as a result of Covid. It would be useful for parliamentary oversight to have that report. These are reasonable amendments and I commend them to the House.

Deputy Anne Rabbitte: I thank all Senators who spoke on these amendments. The public health measures are kept under constant review in order to take account of changing circumstances. The public health measures in place from time to time to suppress disease transmission are intended to minimise the risks to public health while striking the right balance in prioritising some activities over others and protecting key societal interests. The Government has adapted measures to address the public health risk at a given time, in addition to taking account of learnings and emerging evidence, new variants and any specific contextual considerations.

The Minister is conscious of the impacts that the public health measures have had on our society. All regulations are prepared in consultation with the Attorney General and across Government in order to ensure that the impact on human rights and mental well-being is minimal and proportionate. In this evolving Covid-19 environment, the balance in terms of protecting public health and human rights is at the forefront of consideration and consultation.

Throughout the pandemic, Government decision-making on public health measures has been informed by public health, economic and social considerations, with inputs from across Government to understand and assess both the impacts of the pandemic and the impacts of the restrictions imposed to manage it. For example, in 2020, as part of the process set out in the Roadmap for Reopening Society and Business, public health, economic and social impact assessments were prepared and published on *gov.ie*. The Government is aware of the impacts of the restrictions on businesses and on people's daily lives and has put in place a number of supports to assist and to address the impact. In those circumstances, I have to reject these amendments.

Senator Sharon Keogan: I do not believe we are living with Covid. Half this country does not believe we are living with it either. People say that this is new norm. It is not and should not be the new norm. People have had their civil liberties taken away from them over the past two years and were told that they could not go outside a 5 km radius of their homes. Those over 70 were told that they could not leave their homes.

I know only too well what it is to lose somebody. My mother died last January because she caught Covid, but she also had cancer. I lost my mother last year. I am well aware of the sacrifices that this nation has made and the losses and deaths we have all suffered, but this is not living with Covid. Face masks for our children, Covid certificates to enter into the hospitality industry, Covid certificates to go on aeroplanes and a PCR test to get back into one's own country is far from living with Covid.

With regards to the modelling, the National Public Health Emergency Team, NPHET, has constantly got it wrong. The national immunisation advisory committee, NIAC, has also got it

wrong.

I have included the date stipulated in the amendment, 9 February 2022, in various other amendments as well. It is clear that the Government has no intention of accepting any amendments today. What we are doing is pointless. The fact that the Minister is not here, meaning no disrespect to the Minister of State, clearly shows that he does not deem our amendments worthy of discussion with him. Indeed, the number of Senators from the Government parties in the House today clearly shows what they think of the Irish public. While I understand that public health measures have to be taken, there is a fine line to tread in the context of what we can call living with Covid. What we are doing today is certainly not living with Covid.

Over the past couple of days, those in the media have been mooted that schools will close down on Friday and that certain non-essential businesses will be closed on Monday. Why have the Minister or the Taoiseach not come out straight away and said that this is not to happen and that our children will continue to school until-----

Deputy Anne Rabbitte: Did the Senator see it on the 6 o'clock news?

Senator Sharon Keogan: It is still in the newspapers. It is still being mooted. Journalists are still reporting it. Why are the Minister and the Taoiseach not coming out to discuss the matter? It is being reported that more restrictive measures may be imposed on the hospitality sector, namely, that closing times will be brought back such that they may open until 10 p.m. instead of midnight. We need to give the people who are in business who have made so many sacrifices over the past two years in the name of public health hope over the next couple of weeks. This is prime time for local business and the last thing we need is the media putting sound bites out there that more restrictions are coming. That is not what we need. We need leadership in this regard.

Senator Lorraine Clifford-Lee: We have the Minister of State, Deputy Anne Rabbitte, with us. She is a Minister of State in the Department of Health.

Senator Sharon Keogan: I acknowledged that.

Senator Lorraine Clifford-Lee: Deputy Rabbitte is an excellent Minister of State. She is able, qualified and empowered under her seal of office to come in here and take amendments on health legislation. The Senator's comments are completely uncalled for. Of course the senior Minister, Deputy Donnelly, has interest in this legislation. The Minister has been in here on several occasions to discuss this matter and engage with Senators. To say that the Minister is not showing respect and only sending the Minister, Deputy Rabbitte, is, to be honest, deplorable.

On the Government party numbers, we have Senators here from the Government parties. I note that there are not any Senators from the Independent Group here with Senator Keogan to discuss her amendments. Senator Keogan is the only one here.

The Taoiseach said last night on the news that the schools will not be closing early. If journalists want to speculate, that is fine. Nobody in this House would say that the Government should be silencing journalists, particularly in a free and open democracy. People can talk. Politicians can talk and speculate, members of the public can speculate and journalists can legitimately report on that speculation, but the man in charge of this country and the Government is the Taoiseach and he said last night clearly that the schools will not be closing. I do not know

how we can be clearer than that.

The certainty that businesses have been afforded is that the financial supports will continue and that has been greatly welcomed by the particularly badly affected industries. I know many who work in the hospitality industry and have businesses themselves. I understand the difficult situation they are in but, thankfully, the Government has responded to that. They want to protect their patrons, employees and family members as much as anybody else.

Deputy Anne Rabbitte: I thank Senators Keogan, Clifford-Lee and Gavan for their contributions. I want to respond to what has been said, and, as Senators can imagine, my reply is not scripted.

I have no choice but to answer Senator Keogan because she posed the question. Last night, the Taoiseach appeared on the news. He clearly stated that schools will not be closing. On mixed messaging, one could say the Senator and I are creating a conversation around mixed messaging today because, as we know, the Taoiseach has clearly stated that schools will remain open and, as Senator Clifford-Lee has stated, schools will remain open. If journalists wish to speculate, we cannot prevent them doing that. That is their right. At the same time, we are talking about living with Covid. In living with Covid we will ensure that education continues, be that higher education, the early years sector or the primary and post-primary sectors, to ensure that my daughter and the daughters of everybody else around the country who are doing their leaving certificate can sit their Christmas exams. That is awfully important for these young people. They need that stability living alongside Covid.

Living with Covid is also about not speculating whether restaurants might be forced to close at 10 p.m. or whatever. There is a closing time in place now for our public houses and restaurants. Nobody other than journalists is speculating. It is very clear that there is a roadmap in place. We are trying to live as best we can with a virus that does not heed us. It dictates its only pace and that pace is based on public behaviour. In adhering to the basic fundamentals of social distancing, washing our hands, wearing face masks and all of the other advices set out by public health, we will control and manage the virus.

That we are living with a virus within our community is testament that a high number of people believe that Covid exists. Some 93% of our population have been vaccinated. More than 1.5 million have got their booster. All of these people accept that Covid is here and that it is real and they wish to respond to it. Language is important. On the last occasion I was in this Chamber and we were discussing other Stages of this Bill, we discussed the importance of language. We are living alongside Covid and there is a booster campaign under way. I encourage everybody to get the booster jab. I believe that 92% of the population accept that Covid is real, not only in Ireland but across Europe and the globe. It is not that the Government is driving a particular agenda, rather it is that the Government is responding as best and prudently as it can to keep lives and livelihoods equal and protected.

Acting Chairperson (Senator Fiona O'Loughlin): Would Senator Keogan like to respond?

Senator Sharon Keogan: No.

Senator Martin Conway: I endorse all that has been said by the Minister of State and Senator Clifford-Lee. It is because of this virus the Government has to bring in restrictions. I take great heart from the research made available yesterday which states that following on from

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what has been articulated in terms of the difficulties and challenges that this new variant is causing, 80% of people have altered their behaviour, changed their plans and propose to reduce the number of people they will meet over the Christmas period.

The people of Ireland can and will adjust when necessary. Unfortunately, restrictions are necessary to deal with the 20% who, perhaps, do not adjust for whatever reason. We have to take cognisance of the 80%. We also have to take cognisance of the 95% of our population who have been vaccinated. We are in a different situation this Christmas than we were in last Christmas. It is a meitheal effort, led by Government. The Minister of State, Deputy Rabbitte, has done a phenomenal job in terms of protecting disability services and ensuring that respite and day care facilities have been able to open. It has been extraordinarily difficult. In terms of the Department of Health, the Minister of State, Deputy Rabbitte, particularly deserves enormous credit, as does the Minister of State, Deputy Butler, for what she has done in terms of older people and what she has been able to achieve during these very difficult times.

Politics is not an easy business. Nobody gets into politics because they believe it will be an easy business. They do it because they believe that by getting stuck in and working hard they will make a real difference to the lives of ordinary, decent people who look up to politicians to represent and articulate for them. The Minister of State, Deputy Rabbitte, and the Minister of State, Deputy Butler, hold portfolios in the Department of Health, which is a difficult area, but they have been able to carve out benefits and some sort of normality and existence for the most vulnerable people in our society. They deserve great credit for that.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 4:

In page 5, between lines 12 and 13, to insert the following:

“(b) by the insertion of the following subsection after subsection (5):

“(6) Regulations introduced under the sections of, or amendments made by, this Act may only come into effect following the approval of the Houses of the Oireachtas or, where deemed urgent, the Joint Oireachtas Committee on Health.”.”

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 5:

In page 5, line 15, after “2022,” to insert the following:

“and following the laying before the Houses of the Oireachtas of a report, following a review of the functions and impact of the provisions of the Act, including the impact on human rights and mental well-being, at least two weeks before such a resolution is made,”.

Amendment put and declared lost.

Section 1 agreed to.

SECTION 2

Acting Chairperson (Senator Fiona O’Loughlin): Amendments Nos. 6 and 7 are related.

Amendment No. 7 is a physical alternative to amendment No. 6. Amendments Nos. 6 and 7 may be discussed together by agreement.

Senator Sharon Keogan: I move amendment No. 6:

In page 5, to delete lines 21 to 32 and substitute the following:

“amended by the substitution of the following subsection for subsection (3):

“(3) This Act continues in operation only until the 9th day of February 2022.”.”

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 7:

In page 5, line 30, after “2022,” to insert the following:

“and following the laying before the Houses of the Oireachtas of a report, following a review of the functions and impact of the provisions of the Act, including the impact on human rights and mental well-being, at least two weeks before such a resolution is made,”.

We are into a cycle now of repetition of wording that I have previously raised, so I will, probably, just be pressing my amendments from this point onwards. There is real merit in ensuring that we do understand and report on the impact of these provisions on human rights and mental well-being. That would be a useful thing for society. As I have made my point on this already, I will say no more.

Deputy Anne Rabbitte: This matter has been discussed previously with the Minister, Deputy Donnelly. While we are not accepting the amendment, we take on board the Senator’s points.

Senator Martin Conway: Everything we do in this House has to be predicated on human rights. It is very difficult to bring through legislation that in any way impacts on civil liberties, but the reality is that we are in a health emergency. We are in a pandemic the likes of which has not occurred previously in our lifetime or that of previous generations. As I understand it, the last pandemic dates back over 100 years. Hopefully, it will be a long time before this occurs again. I believe the Irish people understand the reasons for this measure. They show that in their actions and in terms of the number of people who have availed of the vaccine. It is great that an increasing number of people are taking the booster vaccine.

My only criticism of Government is as I outlined on the Order of Business yesterday. On 30 November I called for all of the resources of the State to be deployed to ensure that as many booster vaccines as possible would be administered in the quickest time possible. That is now happening this week. We have learned from this pandemic that whatever happens in the UK, we are only a few days or a week at most away from it. What was happening in the UK towards the end of November was a signpost to us that we needed to act quickly. We should have instructed our pharmacies, particularly in places such as Portumna and Ennistymon where I come from, to open on Sundays to facilitate people. People would be happy to travel to get the booster. We need to bring back retired people who are in a position to give vaccines, and we need to use the Defence Forces where practical and possible. The call that took place yesterday with the 2,000 GPs should have happened two or three weeks ago. We were behind the

curve, unfortunately, instead of being front and centre leading the charge. While the members of NIAC are great people, they are conservative and cautious and they need to be adventurous and liberal with this. I know they are doing their best and medical people are cautious by nature but this is a runaway train and we have to try to keep up with it. This legislation is important. All the points have been made at this stage so we will just let it pass through.

Senator Lorraine Clifford-Lee: I will make a brief comment on the booster campaign. I agree with Senator Conway that the enthusiasm shown for the booster campaign is very heartening. It was a great decision to reduce the period between the second and third doses of the vaccine. It should be available to all age cohorts. Some people are more enthusiastic about getting it than others. Some people work different hours so slots should be opened up to everybody of all ages in order to make sure that every available minute and hour is used by people getting the booster. Some university students are now finished for the Christmas period and could attend at different times to other people.

It should be all hands on deck between now and Christmas Day to get as many boosters into arms as possible, even if we have to stay open until midnight. I know those in the vaccination centres are overworked and the people administering the vaccines are exhausted. It was a progressive and welcome move from the GPs to decide to ramp up over the next week or so. I encourage more pharmacies to get in on the action as well. I thank the Minister of State and all her colleagues in the Department. I would like her to bring that message about the campaign being opened up to everyone back to the Department.

Amendment put and declared lost.

Section 2 agreed to.

SECTION 3

Acting Chairperson (Senator Fiona O'Loughlin): Amendments Nos. 8 to 10, inclusive, are related and may be discussed together. Amendments Nos. 9 and 10 are physical alternatives to amendment No. 8.

Senator Sharon Keogan: I move amendment No. 8:

In page 5, lines 34 to 36, to delete all words from and including “amended—” in line 34 down to and including line 36 and in page 6, to delete lines 1 to 8 and substitute the following:

“amended by the substitution of the following subsection for subsection (3):

“(3) This Act continues in operation only until the 9th day of February 2022.”.”.

Deputy Anne Rabbitte: I think the Senator understands perfectly why I cannot accept this amendment. We have discussed this previously. It is repetition at this stage so I will stand back and let the process take its course.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 9:

In page 6, between lines 3 and 4, to insert the following:

“(b) by the insertion of the following subsection after subsection (3):

“(4) Regulations introduced under the sections of, or amendments made by, this Act may only come into effect following the approval of the Houses of the Oireachtas or, where deemed urgent, the Joint Oireachtas Committee on Health.”.”.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 10:

In page 6, line 6, after “2022,” to insert the following:

“and following the laying before the Houses of the Oireachtas of a report, following a review of the functions and impact of the provisions of the Act, including the impact on human rights and mental well-being, at least two weeks before such a resolution is made,”.

Amendment put and declared lost.

Section 3 agreed to.

SECTION 4

Acting Chairperson (Senator Fiona O’Loughlin): Amendments Nos. 11, 12 and 15 are related and may be discussed together. Amendment No. 12 is a physical alternative to amendment No. 11.

Senator Sharon Keogan: I move amendment No. 11:

In page 6, lines 10 to 22, to delete all words from and including “amended—” in line 10 down to and including line 22 and substitute the following:

“amended by the substitution of the following subsection for subsection (3):

“(3) Part 2 shall continue in operation only until the 9th day of February 2022.”.”.

Amendments Nos. 12 and 15 were tabled by Deputy Cullinane in the Lower House. They address one of the huge problems with the Government’s response to Covid, which is the complete lack of data. There has been no investigation into the evidence-based proportionality of measures and the effect their implementation has had on either Covid or people’s lives and livelihoods. Time and again, impact assessments, rationales, reports and reviews have been asked for in this House and those requests have been met with titbits of hastily pulled together figures, if even that. These amendments place an explicit onus on the Government to prove that its approach is appropriate and proportionate, considering the impact of these decisions on the lives of all the people in this country, instead of limiting its views of public health to the Covid case numbers.

I am an Independent Senator. I do not need anyone else in this Chamber. I do not have a political party behind me and my amendments are solely in my name. Senator Clifford-Lee pointed out that I am here on my own. These are my amendments so obviously I would be here on my own to talk about them.

Civil liberties have gone out the window since these new public health measures were in-

troduced. All we are seeking is that a data impact assessment statement be put before this House regarding the measures we have taken, the lives and livelihoods that have been affected, the years that have been missed and the effect that has had on all our society, including young people, our elderly, those who are in isolation and those in business. All we want is an impact assessment or statement outlining the impacts of the Covid restrictions and measures we have introduced. I would like that to be brought before the House as part of this Bill.

Senator Paul Gavan: Amendment No. 15 is about parliamentary oversight. It would be useful to all of us if we could collect data on the impact of these provisions. The different aspects of the report are broken down very well in the amendment. It should cover information on implementation of these provisions, information on breaches, an assessment of how the public duty of equality and human rights has been reflected in their application, concerns identified and recommendations for improvement, and other such relevant information. Information on these sorts of areas would be regarded as a very reasonable request, frankly. This report would also go some way towards addressing some of the concerns expressed by organisations like the Irish Council for Civil Liberties. We fully understand and support public health measures. It is the oversight issue that causes us concerns and that is why we urge the Minister of State to support this amendment.

Senator Martin Conway: There is merit in what is being proposed here regarding oversight and the availability of information. The more information people have, the more informed they are about why decisions have to be made, the purpose of those decisions and the effect they will have. Information is powerful and no organisation should ever be afraid of sharing as much information as possible. I believe there will be a public inquiry into the handling of the pandemic. That is only right and proper because if we do not learn lessons about how to do things better, we will not be properly equipped for future pandemics. We have now been through one so we have to be able to write the handbook. Hopefully it will be a long time before we have another one but it may not be. We are dealing with the spending of billions of euro of public money. Lessons have to be learned in terms of time lapses and so on. A couple of decisions were made which I could not understand. I could not understand why the task force headed up by Brian MacCraith was stood down when we knew we would have to give booster vaccines. I cannot fathom why it was stood down. There could be a logical reason but it is not evident to me.

I also could not understand the logic of letting staff go from the vaccination centres when we experienced a lull towards the end of the summer and then struggling to rehire them. Those decisions were clearly made by officials in the Department for some reason. It was probably being penny-wise and pound-foolish. There are certain areas we need to scrutinise and we have to ask questions as to why these things happened. We may get satisfactory answers. I intend to pursue it through the health committee when the opportunity presents itself.

On the availability of data and information, I do not think we are the worst in the world at it. We had the figures every evening. Sadly, we had the number of people who died published every evening. In the UK, what is released is the number of people who died who had tested positive for Covid in the previous 28 days. What has gone on in England and the non-availability of data and information has not helped us. We have been far better at it but we have seen the chaos there over recent weeks and know they are chaotic at the best of times. Had they been more upfront with their information, it would have assisted us.

Europe has lessons to learn. At the start of the vaccine roll-out, Europe did not paint itself

in glory in its handling of that. It got its act together. I have said many times that had Phil Hogan still been Trade Commissioner at the time the vaccine difficulties presented themselves, they would have been sorted out more quickly because he had the experience of dealing with agriculture for the previous five years and the intricacies and difficulties that presented. Europe has now gone to the other extreme and that is a good thing.

What has gone on in the Third World and the lack of information and data there is frightening. Unless everyone is jabbed, we are not dealing with it. That is a major problem.

In terms of us, this country and information, we can give ourselves a B+. We want an A1 but, compared to other countries, we are way ahead.

Senator Jerry Buttimer: I welcome the Minister of State. She is here as a Minister in her own right and I have had the benefit of working with her in a committee. We had differing views but she is a competent and capable person with whom I have worked closely and grown to respect and admire in her brief in the disability sector, where she has done powerful work. It ill behoves any of us to make references to people in Ministries as being less than others. They are not. I do not mean to be partisan, patronising or adversarial to anybody but can we please not denigrate each other with comments on the competencies of people here? We are elected. The Minister of State is a fine Minister. We might not agree on everything, and do not, but the Minister of State is most welcome and I have every confidence in her. I will have a row with her in a second, but that is the second part of my contribution.

Senator Conway made a good point. I was listening in the office and came down to support him. I said at the Fine Gael parliamentary party that I cannot comprehend why the Brian MacCraith task force was stood down. I have a fear which I referenced yesterday in this House when I spoke about the HSE paramedic ambulance service in Cork. The reply I got from the Minister of State, Deputy Butler, was positive and indicated that there would be a resumption of the service in the short to medium term. I made the point yesterday that in the HSE world that could be in the never-never. I fear that with this new booster vaccination programme, we should not have got rid of the task force.

Let us look at it from a number of perspectives. Our vaccination programmes one and two have worked extraordinarily well by any standard across the world. What are we hoping to do? We hope that people are immunised and that we slow the transmission of this new variant. That requires a number of things to be done. The first is that we expedite the vaccination programme with our pharmacists and GPs. Many pharmacists want to play a role and I encourage Government and the HSE to work with them. Our primary healthcare system works well when it is resourced properly. Our doctors are doing phenomenal work and we should use them as well.

The other central arm of our vaccination programme, which has been extraordinarily successful, has been our vaccination centres, particularly walk-in centres. Last weekend in Cork there were queues of an hour or an hour and a half, depending on when you went, but people wanted to go and get vaccinated. In County Cork, for example, there is one in Cork city and one in Bantry. To me it makes no sense to have just those two augmenting the work done elsewhere. I hope and believe it is in train that the HSE will react and act on this. It is about saving lives and preventing the spread of the disease. You can take Mallow, Clonakilty, which Senator Lombard mentioned, or east Cork.

I will raise another contentious point. I am being excoriated on social media this morning

for my contribution on this issue on the Order of Business. My good friend, Senator Keogan, will have a different viewpoint to me on this, which is fair enough. I respect that. It is not a silver bullet or panacea. We are talking about a multilayered approach but we should give it consideration. I asked on the Order of Business today, although Senator Clifford-Lee is a parent and will probably disagree with me, that our primary schools should close on Friday.

I say this for a number of reasons. First, the level of absenteeism among staff and pupils, whether they are close contacts or have Covid, is quite high. Second, the Minister, Deputy Foley, has rightly made a huge change in the substitution requirements being proffered in schools. I recognise that parents, when they hear people like me saying this, are saying they have childcare needs to be met, work to be done, have not the luxury of being able to work from home anymore, cannot afford childcare or cannot put their traditional childminders, such as grandparents, at risk. I accept and appreciate that and I said it is not a silver bullet. However, using a multilayered approach, we must try to limit the spread of Covid. Where is our most unvaccinated cohort? In my opinion, they are in our primary schools because that group of young people is not vaccinated. Covid is spreading in that cohort quite strongly.

I say that not to be populist or alarmist, but to be helpful and constructive. Schools are closing next week anyway. At secondary or post-primary, there is a higher number of vaccinated people and they are in the end-of-term exams in many cases, which poses a challenge and difficulty. I cite the example of the Netherlands, where they have closed their elementary schools early next week to prevent infecting other family members. As a Government and society, we have been good at protecting our most vulnerable, whether it is the disabled, the elderly or those with underlying health conditions.

2 o'clock

We have been very proactive in tackling the core group of the most vulnerable. I am very aware as a teacher of the importance of schools and education in the overall, rounded development of our young people. I will be excoriated when I leave here, including on social media, but one cannot live by that. It is a different world that does not necessarily agree with any of us. However, while I accept that schools are where children should be it is Monday and Tuesday of next week. It is two days.

Senator Lorraine Clifford-Lee: It is not. It is also Wednesday.

Senator Jerry Buttimer: Well okay, but they get a half day on Wednesday so it is two and half days. I am not going to have a row with the Senator. My point is that if we are seriously looking at how we can prevent the spread of the disease, that is one part of our arsenal.

The people who work in our vaccination centres deserve great credit. There have been issues arising from a breakdown in communication which is disappointing. I appeal to the Minister of State that she would go back to the HSE on the matter of redeployment of people. I do not mean to be adversarial. I know that some will say that I am trying to be adversarial but I am not. I am trying to be helpful. We are nearly at Christmas. If we want to come forward to January, how do we prevent a spike and our most vulnerable becoming unwell? Part of what we should do is to close our primary schools early. I accept that there are people who will disagree with me. That is fair enough. We live in a democracy and I am a democrat.

I thank the Minister of State for coming to the House. I hope that she does not take my remarks as controversial or adversarial. It is something I have read about and considered over

recent weeks. We hear of people talking about young people wearing masks in school. The majority of young children in school today are coping admirably with wearing a mask. They get on with it. It has become part of their daily lives whether it is going to the shops, to mass or interacting with other family members. We should support and thank our young people for what they have done.

Deputy Anne Rabbitte: The Senator certainly brings a colourful approach to the debate and I thank him. There is no script that could be prepared for me that would have the answers for that. I will take on board much of what he has said and I will respond. I can only talk from a health perspective at all times because that is where I sit. I am a Minister of State within the Department of Health. For me to talk about education would be misusing my time and misinforming people.

The amendment relates to openness and transparency and the lessons that have been learned and what we have taken on board. To be fair to the Minister for Health, Deputy Stephen Donnelly, he told Deputy Cullinane that he had information on 2020 that he had no problem sharing. I was there for that part of the debate. It would be wonderful to share that information. Much has happened even in recent weeks in where we are with the debate, the roll out and with NIAC's further approval of vaccinating young people. The conversation has really moved on and to the point where Senator Buttimer joined us. I do wonder about what happened with the role of Professor MacCraith. There was something working wonderfully then as any of us who travelled around and saw our vaccination centres observed. The Senator spoke of Cork. I talk about Galway. There was a pop-up centre in Connemara because there was a problem crossing the bridge. Galway is the second largest county in the country and we needed to ensure that everyone could get access to vaccination centres. The pop-up centre in Connemara proved incredibly successful. That needs to be reinstated this minute so that people have the same access. If one wants to accelerate something one needs to see what worked really well the last time. What worked well the last time was the role played by the Army in logistics. They are the people who can roll anything out. They were the spine. We had vaccinators, people coming forward and the medicine, but the role played by the Army made the process work very well. We need to see how the Army's involvement can be accelerated.

The Senator mentioned community. The role of GPs is important. Senator Clifford-Lee mentioned GPs. Our GPs have always had broad shoulders in the vaccine roll-out and the boosters. However, it is getting complicated. We have new people coming forward to get vaccinated and that is very welcome but there are boosters on top of that. In addition, there is the younger cohort. We have to see how it can be best done. To give my tuppence worth, I disagree with the Senator on closing the schools but perhaps I would use the time differently. This might be where I would look to my community health organisations and send them into the schools and use the time appropriately rather than having parents having to take time off or overburdening vaccination centres and clogging up car parks. We could bring the people to the schools and deal with those of younger years and who are medically compromised, that is special schools and special classes and units. We could start there and go right into the schools. When one goes into one school one may as well finish the job rather than leave a cohort unvaccinated. That would be my thinking if I was in charge of logistics. They are there. They are supported by their teachers who they know well. If family want to be there in support they can. They can sit at their desk for the 15 minutes afterwards so we do not have to use the space in GP surgeries or vaccination centres.

We need to have an agile approach. The HSE is fantastic for doing the job but we need to

expand things to allow others to assist the roll-out. Community health organisations would know exactly how to do it. My view is that we could use the two and half days next week to get the vaccines into the young people in the schools so they were protected and when they meet granny and grandad they have protection around them because we know that they are going to meet. We may as well protect everyone. NIAC has given approval. Perhaps we should see how we can use the resources a little differently. The Senator is right. There is no silver bullet. It is a case of talking and communicating about what measures can work. Some CHOs will respond differently to others. Were all staff to down tools for ten days for the greater good to ensure a successful vaccination roll-out, that might be a way to go. I have gone on a little but that is all because of Senator Buttimer.

Senator Sharon Keogan: There were comments about certain countries not getting it right. Many countries did not do things right. We are part of that. England has done something that we have not done. It has brought in Covid certificates for the medically exempt. I ask the Minister of State to look at that. There is no reason those who cannot be vaccinated for whatever reason cannot have a Covid certificate. They are banned now from gyms and swimming pools which was their one way of looking after themselves. There are people who were looking after their rehabilitation and physical and mental well-being and that has been taken away from them. The UK may have got a lot of things wrong but it got that right. They have looked after those who are medically exempt.

People have spoken about Europe getting its act together. Certain countries are making vaccines mandatory. We do not want to go down that road. The Minister of State spoke about going into schools but she forgot the one thing that is required, that is, the parents' consent to vaccinate those children. That is, therefore, the most important thing. I just want to-----

(Interruptions).

Senator Sharon Keogan: I am sorry; I do not interrupt anybody. Senators can come in after me.

Consent, obviously, is the most important thing. I want to read out a tweet the WHO sent out this week:

As school holidays approach, we must also acknowledge that children contaminate their parents and grandparents at home, with a ten times increased risk for these adults to develop severe disease, be hospitalized or die when non-vaccinated.

A subsequent tweet from the WHO reads:

The use of masks and ventilation, and regular testing, should be a standard at all primary schools and vaccinating children should be discussed and considered nationally, as part of school protection measure.

We failed in ventilating our schools. Money was only allocated this week and schools now can apply for that. We failed when we took away community testing. We brought in sending antigen tests out to the schools at the end of November. For three months before that, however, we fiddled around doing nothing.

I will read another tweet from the WHO:

Finally, my third call: is not to mandate vaccination if you haven't reached out first to the

communities. Mandates around vaccination are an absolute last resort and only applicable when all other feasible options to improve vaccination uptake have been exhausted.

We are two years into Covid-19. People's choice around vaccination is their choice. It has got nothing to do with me or with the Minister of State. If someone decides not to have the vaccination, that is their choice and I respect that choice. People are now more aware of what they must do to keep themselves safe. We all know the mitigating measures and the lines of defence we need to take.

People might try to swing someone into a far right group just because that person stands up for those people who do not want to take the vaccine. I will stand up for those people in here. Whether I am vaccinated or not is absolutely nobody's business. I believe we all received an email today from a journalist. This journalist was seeking to find out whether I was vaccinated and if I was taking the booster. It is nobody's business. My medical history is my business. It is nobody's business. Those are the things I wanted to speak to the Minister of State about.

I am really not happy about what is happening in Austria, which is mandating every single citizen to be vaccinated and fining, interning and detaining them if they are not vaccinated. We do not want to go down that road. We should not even consider going down that road. We must be very careful, however. There are people out there who we have left behind, that is, those who are medically exempt. Before we leave these House on Friday evening or before the Minister of State leaves on Thursday evening, we must ensure that legislation is brought forward in order that those people who are medically exempt will be able to access a medical Covid certificate.

Senator Paul Gavan: I will be very brief. I was interested in Senator Buttimer's points about the schools and there is a certain logic to what he said. We have to be guided by science and by the National Public Health Emergency Team, NPHE, however. Personally, I would be quite reluctant to see that happen. It is incredibly challenging for working families in particular. It is, therefore, far better if we can keep our children in school.

I will make the point, which is generally accepted now, that one of the things the Government has not gotten right is the lack of filtration in schools. It has been a massive own goal, frankly. My kids go to school now with scarves, hats and coats on and they stay there all day wearing that gear. It is not conducive to learning but it is necessary because the windows have to be open. I am not quite sure why those filtration systems were not invested in last summer but I would suggest that we get them rolled out as soon as we can. Again, I agree with Senator Buttimer. There is no silver bullet here; no one action will fix things. If I have a particular ask, however, which certainly many colleagues, friends and neighbours of mine have raised, and that is to get those filtration systems into the schools. Let us use the Christmas period in particular to see what we can get done as quickly as possible in that regard.

I will make a final point. I want to be very respectful because I know Senator Keogan and get on well with her and respect her entirely. I worry about some of the language being used at times, however. That is all I would say. A common message we should all give is that it is really important to get vaccinated and get our boosters. In Britain, 1,000 people are dying per week at the minute. That is, therefore, a stark reality that all of us have to face and grapple with. That is all I will say at this point. I thank the Minister of State.

Senator Jerry Buttimer: Senator Keogan is correct. At one level, it is no business of a journalist to be inquiring as to the vaccination status of any Member of the Oireachtas. It is

an intrusion of privacy and I fully concur with her. I answered the question for one reason. I am a proponent of vaccination, whether it is the HPV vaccine or the Covid-19 vaccine. I am a big believer in vaccination. We are role models as legislators, and, in my opinion, if we expect people to get vaccinated, and we stand up here and make comments and act with responsibility around legislation, then I believe we should be able to say that we are vaccinated. I have gotten the two doses and the booster. The Minister of State used the lovely phrase in her response about being agile and she is right.

I say to Senator Gavan that I completely accept and understand the challenges. I would not like for anybody to think that I do not understand the challenges of the working family or, indeed, the stay-at-home family or mum or dad who are working at home with children. I know from speaking with my own family members that it poses many different challenges in getting all the competing balances right. I accept that. I will make the point again; there is no silver bullet. What we are fundamentally trying to do, however, is prevent the spread of the virus and there are two parts that work. One is vaccination, and where we should have unanimity in this House is on our vaccination programme. It works and it has worked. Imagine where we would be right now if we did not have the vaccine or the booster. Just imagine that.

I will finish on this point because I am not here for an argument or a row - anything but. Senator Gavan is kind of right, even though it kills me to say it. We have an issue with filtration in schools. As a teacher, I know from talking to many of my former colleagues and friends that there is an issue with filtration in schools. That is something we need to address in the long term when we emerge from a post-pandemic world around how our schools operate in terms of air quality, interaction and so forth.

I will make this fundamental point in conclusion. As we know, there are issues with civil liberties and human rights and none of us wants to see them trampled on or want them to be denied. When I see the amendment before me and when I talk about the impact on human rights and mental well-being, while none of us wants to be in this situation, all of us are hugely aware of the impact on the mental health of people. Our language, including my own in terms of asking that the schools close early, is important. That is why I made my call; not in an adversarial way but in a way that is trying to be helpful.

In terms of the report of the Minister of State on the amendment, I think we can drag people up to the top of the cliff and down again in terms of creating anxiety and spreading panic. Part of my difficulty with our public service broadcaster is that it drives people into panic in many different ways. There is a need for balanced reporting on Covid-19 and its impact on people.

I believe we have done a hugely positive job as a Government, however. Our HSE staff have worked extraordinarily hard and the men and women who work on the front line in our ICUs and hospitals deserve much more than a bank holiday or whatever. We owe them a debt of gratitude that we will never be able to pay. However, there are long-term repercussions from Covid that we as a society must overcome. As for where we are today, as Senator Gavan said, we are in a much better place when compared with our nearest neighbours because we took responsibility collectively, as a Government and society, to prevent the spread and we worked very hard.

Like Senator Conway, I appeal to the Minister of State to bring back Professor Brian MacCraith, the Army logistical people and the people from the outside who have gone back to their respective careers. We cannot afford to have whatever else emerge again next January or Febru-

ary. I am aware NPHEAT will make more recommendations to the Government this evening or tomorrow. I have no idea what they are. Society is waiting with trepidation. Back in the day, George Hamilton used the phrase, “A nation holds its breath”. I think the nation is weary now but our role as legislators and people who lead in communities is to bring the public with us. Again, I make my contribution in a positive way that is not intended to be adversarial.

Deputy Anne Rabbitte: I will make one last contribution before I finish. We will not force vaccinations on anybody.

Senator Jerry Buttimer: I was not saying that.

Deputy Anne Rabbitte: Vaccination is a choice. I need to make that clear. It is a choice for parents. I believe in a choice-based approach.

The only people I forgot to mention when I spoke about what has been successful were retired people who got involved in the vaccination process. Perhaps we could put out a cry for help for them to come back on board. The retired community gave invaluable time. They have experience and a skill set that should be embraced and used at this time.

On medical exemptions, I have already worked with the HSE in the disability area for an exemption mask pass for persons with disabilities. That is already designed with the HSE and has been done. The pass can be issued. It is encoded, with HSE backing, for persons who have a disability and cannot wear a mask. That is what I have done within my Department. I will take on board what Senators said on medical exemptions and bring it back to the Minister. From a disability point of view, I have a mask pass designed, approved and ready for roll-out.

On air filtration systems, it is welcome that the Minister for Education, Deputy Foley, has given funding to the schools. They need to use the time over the Christmas period to ensure it is rolled out.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 12:

In page 6, line 20, after “2022,” to insert the following:

“and following the laying before the Houses of the Oireachtas of a report, following a review of the functions and impact of the provisions of the Act, including the impact on human rights and mental well-being, at least two weeks before such a resolution is made,”.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 13:

In page 6, between lines 22 and 23, to insert the following:

“(c) by the insertion of the following subsection after subsection (5):

“(6) Regulations introduced under the sections of, or amendments made by, this Act may only come into effect following the approval of the Houses of the Oireachtas or, where deemed urgent, the Joint Oireachtas Committee on Health.”.

15 December 2021

Amendment put and declared lost.

Section 4 agreed to.

NEW SECTIONS

An Cathaoirleach: Amendment No. 14 is out of order.

Amendment No. 14 not moved.

Senator Paul Gavan: I move amendment No. 15:

In page 6, between lines 23 and 23, to insert the following:

“Report of Minister

5. (1) Any resolution approving or continuing provisions made under the Acts referred to in this Act may not be made unless a report, following a review of the functions and impact of the same, including the impact on human rights and mental well-being, is laid before both Houses of the Oireachtas at least two weeks before such a resolution is made.

(2) The report shall include:

- (a) information on implementation of these provisions;
- (b) information on breaches of these provisions;
- (c) an assessment on how the public duty of equality and human rights has been reflected in their application;
- (d) concerns identified and recommendations for improvement; and
- (e) other such relevant information.”.

Amendment put and declared lost.

Section 5 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported without amendment.

An Cathaoirleach: When is it proposed to take Report Stage?

Senator Lorraine Clifford-Lee: Now.

An Cathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

An Cathaoirleach: When is it proposed to take Fifth Stage?

Senator Lorraine Clifford-Lee: Now.

An Cathaoirleach: Is that agreed? Agreed.

Question put: "That the Bill do now pass."

| The Seanad divided: Tá, 26; Níl, 4. | |
|-------------------------------------|----------------------|
| Tá | Níl |
| Ahearn, Garret. | Boyhan, Victor. |
| Ardagh, Catherine. | Gavan, Paul. |
| Blaney, Niall. | Keogan, Sharon. |
| Buttimer, Jerry. | Ó Donnghaile, Niall. |
| Byrne, Malcolm. | |
| Byrne, Maria. | |
| Cassells, Shane. | |
| Conway, Martin. | |
| Crowe, Ollie. | |
| Cummins, John. | |
| Currie, Emer. | |
| Daly, Paul. | |
| Dolan, Aisling. | |
| Gallagher, Robbie. | |
| Garvey, Róisín. | |
| Kyne, Seán. | |
| Lombard, Tim. | |
| McGahon, John. | |
| McGreehan, Erin. | |
| Moynihan, Rebecca. | |
| O'Loughlin, Fiona. | |
| O'Reilly, Joe. | |
| O'Reilly, Pauline. | |
| Ruane, Lynn. | |
| Wall, Mark. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Robbie Gallagher and Seán Kyne; Níl, Senators Paul Gavan and Sharon Keogan.

Question declared carried.

Sitting suspended at 2.41 p.m. and resumed at 3.30 p.m.

15 December 2021

Health Insurance (Amendment) Bill 2021: Second Stage

Question proposed: “That the Bill be now read a Second Time.”

An Cathaoirleach: I welcome the Minister of State to the House. She has five minutes.

Minister of State at the Department of Health (Deputy Mary Butler): I am pleased to have this opportunity to address the House on the Health Insurance (Amendment) Bill 2021

This Bill was published on 1 December and concluded its passage through the Dáil on 8 December. I welcome the support received in that House for the core principle of community rating, which is long-established and well-supported Government policy for the health insurance market. Our community-rated health insurance market means that the cost of health insurance is shared across all members of the market.

This is a short and technical Bill that is comprised of nine sections that all focus on the specific issue of health insurance. This legislation is required each year to revise the parameters of the risk equalisation scheme, which is a financial mechanism that supports our community-rated health insurance market. The risk equalisation scheme requires state aid approval from the European Commission to function as part of the private health insurance market. The current scheme was approved in 2016 with similar schemes approved and in operation in Ireland since 2003. To date, the scheme has been considered a state aid that is compatible with the Internal Market by the European Commission. The current scheme is approved to operate until 31 March 2022. Negotiations are at an advanced stage with the European Commission for the new scheme and are expected to be finalised shortly.

In addition to the general amendments, this year’s Bill provides the legislative basis for enhancements to the scheme. These have been developed with relevant stakeholders in the market, including the Health Insurance Authority and the insurers, and negotiated and finalised with the European Commission.

I will now outline the specific sections of the Bill. Section 1 defines the principal Act as the Health Insurance Act 1994.

Section 2 amends section 6A of the principal Act to include high-cost claim credits, which the insurer is entitled to have paid on behalf of an insured person. Section 3 amends section 7E of the principal Act. It provides that the Minister may require the Health Insurance Authority to furnish a report relating to the high-cost claims credit parameters. Section 4 amends section 7F of the principal Act to provide for an updated reasonable profit figure. Section 4 also provides for the transitional arrangements for how it is to be applied for the three-year periods 2020-22 and 2021-23. The benchmark is increasing from 4.4% to 6%.

Section 5 amends section IIC of the principal Act to provide for a new effective date for revised age-related credits payable from the risk equalisation fund. It also introduces a time limit on all credits that can be claimed from the fund. Section 6 replaces table 2 in Schedule 4 to the principal Act. This table provides for age-related credits which are payable for insured people over the age of 65. These new credits would be payable from 1 April 2022.

Section 7 amends the principal Act by the addition of Schedule 5, which provides the parameters for high-cost claims. Section 8 amends section 125A of the Stamp Duties Consolidation Act 1999. This will specify the stamp duty rates that will apply for 2022. Of note, it

provides for a reduction in the stamp duty levy applicable to health insurance contracts from 1 April 2022. Section 9 provides for the Short Title, commencement, collective citation and construction of the Bill.

The provisions in the Bill relating to the introduction of high-cost claims credits and the amendment of the benchmark for reasonable profit are subject to approval with the European Commission under state aid rules. The commencement of these provisions will be by ministerial order.

To summarise, this Bill allows us to maintain the community-rated health insurance market. The provisions of the Bill will increase the effectiveness of the risk equalisation scheme, which is a fundamental support to the market.

I would like to conclude by highlighting this Government's commitment to improving public health services under the Sláintecare programme. As access to these services improves, the proportion of people who hold health insurance may decrease over time. Importantly, the programme for Government also commits to retaining access to private healthcare services for people in Ireland thus ensuring choice for those accessing healthcare. While such a high proportion of people hold health insurance across Ireland, it makes sense to maintain the community-rated health insurance market.

I commend this Bill to the House.

Senator Lorraine Clifford-Lee: I thank the Minister of State. As she has outlined, this is a very short technical Bill and we are in here every year renewing it. It is very welcome that the stamp duty on medical insurance is reducing. The measure should put money back into the pockets of the people who have health insurance next year. At a time when inflation is rising substantially the measure is very welcome. This leads on from the announcement yesterday that all householders next year will have their electricity bill reduced. I hope that the medical insurance companies will look at their own processes to see if they can give an even bigger reduction back to people next year in their premiums. I thank the Minister of State and she has our full support.

Senator Victor Boyhan: I welcome the Minister of State to the House. This Bill is a yearly event and I fully support it. The Minister of State will be glad to know that no amendments to this Bill have been tabled in this House, as I am sure she knows already. The fact that there are no amendments says much about the Bill.

Senator Clifford-Lee made a point on the stamp duty levy reduction. It might be handy to have a note on that because while it is a news line, I do not know the exact impact of it. I ask the Minister of State to circulate that note at some stage, not necessarily today. It would be handy to have a brief note on the impacts of stamp duty levies and the figures we are talking about. I know this measure comes into effect on 1 April 2022. It makes sense.

There is always the challenge of equal access to healthcare. As someone who has Vhi Healthcare insurance, and many of my colleagues also have private healthcare, we too are not guaranteed access to health on that basis. That is a problem in itself. There is also the greater issue of Sláintecare and people accessing health services during the Covid pandemic at a time of amazing demands on our hospitals. To be fair to those working in the private hospital sector, they stood up to the plate and made services available at a very difficult time. In turn, many of their members who had private health insurance took a hit. Speaking for myself and many

of my colleagues, Vhi Healthcare sent rebates, though moderate and not very large, to people of approximately €100 or €150. That was a gesture that recognised the same comprehensive services were not provided in a very fast or timely manner. We all have to put our shoulders to the wheel and support people who are vulnerable at particular times when there is a demand on our health services.

I again thank the Minister of State for bringing this Bill to the House. I will give it my full support.

Senator Martin Conway: The Minister of State is very welcome to the House. I will take this opportunity to wish her all the very best for Christmas. I hope she will get a bit of a break. This Bill is legislation that comes before us annually. There are always little bits and pieces of it that change. I agree with my colleague and friend, Senator Boyhan, in wanting to know a little more about the stamp duty levy reduction. I was not aware of it but if it saves a few pounds for people it has to be good news. It is coming in during quarter 2 next year. It will only be for information purposes but if we got the figures at some stage, we could at least advise people accordingly.

I will raise one other issue that I am not sure the Minister of State was made aware of, but I have been contacted by a couple of people regarding it. It concerns students from abroad who come to Ireland. There was some sort of scheme that covered their medical insurance at a nominal cost, possibly €200 or €300. Apparently, for some reason, and I cannot remember the exact details, those students are not now recognised as part of the risk equalisation scheme. It seems frightfully unfair because in the past, third-level colleges covered their health insurance costs as part of the offer package to attract them to come to this country to study in the first place. We all know that many of our third-level institutions benefit enormously from international students because they pay significantly higher fees than Irish students.

As part of the welcoming initiative certain student allowances were covered, one of which was health insurance. It now seems that we are looking at a situation where that insurance will quadruple in cost. For a young man or woman coming to Ireland to study in Dublin City University or University College Dublin we are talking about €1,000 or €1,200 in health insurance costs. I am sure it is an anomaly and might be something that has not been spotted, but I have been made aware of it by someone who used to work in my office and is now working with a consultancy company. She made me aware of it and I said I would raise it. I am not sure if the Minister of State is aware of it, but she might be able to do something about it because, God knows, we need as many of these third-level students coming to this country as possible.

As a general point, and this is something I fundamentally believe in, we should have a one-tier health service for everybody. Everybody should be able to access health services irrespective of financial background and so on. We are probably a long way from that, but I will always put on the record that it is something we should aspire to. We should aspire to have two things; a world-class health service and access for all to it. If the pandemic has taught us nothing else, it has taught us the importance of our health service, the people who work in it and that when people need to access the health service and a full suite of services they should be able to do so. There should be no difference between a billionaire and somebody who is not a billionaire when it comes to the benefits they get from our health service.

We can never say enough about the phenomenal men and women in our front-line health services. I will give a shout-out to those working in accident and emergency departments, op-

erating theatres, wards, healthcare facilities, nursing homes, the people who provide care in the home, home help and so on. They have been amazing heroes over the past two years. We can never thank them enough and I know the Irish people will always want to thank them. I have no doubt this Bill will fly through the House.

Senator Paul Gavan: It is nice to see the Minister of State. I thank her for coming to the House. It is good to have this opportunity every year to debate a Bill like this so we can see where we are at with Sláintecare and the commitment all parties in the House gave to phasing out private health insurance and the private health sector, and to working towards a public universal healthcare system where people are treated on the basis of need and not how much money they have in their pockets.

The Minister of State set out what the Bill will do and we will support this, but a fundamental question needs to be asked as to why people take out private health insurance. I think it was Deputy Howlin, many years ago, after his first spell in Government in the 1990s, who made the point that it was only then that he realised that private health insurance exists and depends on a public service that fails. If the public service worked, why would anyone take out private health insurance? Unfortunately, that is more true today than ever. The vast majority of people take out private health insurance because they feel they need it, they cannot depend on our public system and if they or a family member gets sick, the fastest route to help them is through private health insurance, whether it is to get a scan, test, assessment, appointment or treatment. This is true, but the problem is that all those who cannot afford to take out private health insurance are left on public system waiting lists.

According to the most recent figures, 900,000 people in this State are waiting to see a hospital consultant and 200,000 of them have waited more than 18 months. That begs the question of where the delivery of Sláintecare is, which promises that people should not have to wait longer than four months for treatment, when 200,000 people in this State have been waiting more than 18 months, some of whom, in areas such as orthopaedics or scoliosis, are children. It is a scandal. Sláintecare will not happen until we make a commitment to properly resource our public hospitals, recruit the consultants, specialists, nurses and healthcare assistants we need, and to have public beds in public hospitals.

I have to mention the situation in University Hospital Limerick, which continues to get worse, unfortunately, month after month. The typical number of people on trolleys in that hospital is now 85 per day. We know further investment is coming but, having met hospital management, we know there is currently a 200-bed shortage. We know that the next set of promised beds will not arrive for at least another two years. When they do arrive, instead of the 96 beds that were promised, it will actually be half that number because the other half are replacing existing beds. The question I asked last week in the Seanad was about what the people of Limerick are supposed to do in the meantime. It completely undermines confidence in our public health system. This is the type of factor that drives people towards the private health market.

It is a good time to revisit this topic to see what we should be doing to drive the process of Sláintecare forward and to acknowledge that health insurance does not deliver in many respects. For example, it does not cover primary care. One of the new problems we have now is that people are struggling to access GPs, never mind pay the costs to see them. We also know that unless someone has a Rolls-Royce package, private health insurance often does not work in reality. We see queue skipping and the purchasing of private healthcare in public hospitals. These are things we just need to move away from. As a party committed to a national health

service, Sinn Féin is very clear that its priority will be to remove private healthcare from our hospitals and to do so far more quickly than it is being done at present.

I will address the issue Senator Conway raised because I have also been approached by organisations representing overseas students. We were expecting an amendment to this Bill. I know it is not now coming forward, but this is an issue that was raised with me more than a year ago. I want to pay credit to Senator Hoey, and Senator Malcolm Byrne has also been working on this issue. We need to look after these students. It is grossly unfair they are excluded from this scheme at present. I ask the Minister of State for a response on what actions are being planned and what will happen for those people.

The one issue I have with the Bill is in section 4, where we see an increase in the “reasonable cost” from 4.4% to 6%. I want to understand why that is. I would have thought we should not be increasing those costs at this point in time. If the Minister of State had a comment on that, it would be very helpful.

Senator Malcolm Byrne: I am always conscious the Minister of State tends to come into this Chamber to wrap up every session, but is appropriate to pay tribute to her work. She is passionate about what she does and the fruits of her labour are now being seen. I will follow on from Senators Gavan and Conway. I have been raising this issue around international student health insurance and had a Commencement matter last week with the Minister of State’s colleague, the Minister of State, Deputy Feighan.

Frankly, I am frustrated. I introduced legislation on this issue. I was proposing to look at bringing forward amending legislation to this Bill, but I held off from doing so on the basis I would get certain guarantees that the issue would be addressed. I find the most frightening phrase in the public service is that this matter falls between a number of Departments. This one has been battered between the Department of Justice and the Department of Health, with the Department of Further and Higher Education, Research, Innovation and Science, for obvious reasons, having an interest in it as well.

This issue has now been running for 18 to 20 months. It was one of the earliest issues I brought up in this House, not long after my election. The Irish council for overseas students, the Union of Students in Ireland, the Irish Universities Association and the Technological Higher Education Association have all been raising it as a matter of concern. This has been running for a while.

The legislation I brought forward was one solution. However, I was told an easier solution would be found from the Department of Justice. I was told a number of weeks ago that there was imminent positive news. I was told last week by the Minister of State, Deputy Feighan, that the news was coming very soon. Perhaps the Minister of State might give us some good news, because it is crucial to these international students who, for the most part, tend to be healthy. They do not tend to pose a significant risk of ending up in our hospitals and so on. Unfortunately, a small number of them do.

However, international students enrich the higher education experience here in Ireland and it is important, coming out of the pandemic, for our higher education institutions to be in a position to attract significant numbers. I decided not to proceed with the amendment on the basis a solution would be found on this issue. However, I will be pressing ahead with this in the new year because of the number of promises I have seen, unless the Minister of State has good news

here for us today.

Senator Maria Byrne: The Minister of State is very welcome and I thank her for coming to discuss this all-important issue. While I realise it is pretty much a technical Bill, I welcome the fact people will be able to, as was alluded to, have some extra money in their pockets as a result of it. Senator Gavan raised the problems around Limerick hospital and the fact people are taking up beds, but we now have a Vhi SwiftCare clinic and a Laya healthcare clinic in Limerick. I have to compliment the staff working there. I have not used it personally myself, thank God, but have used it in Dublin and Cork. I have heard great compliments on the efficiencies of the clinics and how they are working, and also that people have been able to have relevant scans or X-rays. It is helping to keep people out of the public hospital on one side, while I know it is a problem on the other side with regard to some issues they cannot deal with. One used to be able to claim tax relief on private health insurance. One could put it against one's tax bill at the end of every year. That was done away with. It is something that needs to be looked at in order that people could get a tax relief-----

Senator Lorraine Clifford-Lee: It is still there, but it is taken at source.

Senator Maria Byrne: Taken at source. Okay, because a few people have raised it with me and perhaps they need to go back to their places of employment. I thank Senator Clifford-Lee for clarifying that. I support the Bill and I am sure it will go through quickly.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Senators for their contributions to today's debate and facilitating the passage of the Bill. I thank them for their support. I will try to deal with a few of the issues that were raised. Senator Clifford-Lee raised the issue of the reduction in stamp duty. Taking into consideration the surplus built up, the stamp duty on advanced health insurance contracts will be €406. This is a decrease of €43 from 2021 rates. On non-advanced health insurance contracts, the stamp duty will be €122. This is a decrease of €35 from the 2021 rates. That is positive.

Senator Gavan asked about the rationale for the increased reasonable profit from 4.4% to 6%. The risk equalisation scheme requires approval under state aid rules by the European Commission and a condition of approval is that the net beneficiary cannot be overcompensated. The reasonable profit figure is used for an over-compensation test which is conducted every three years the scheme operates. It assesses whether a net beneficiary of the risk equalisation scheme has surpassed the reasonable profit and, if so, any excess profit is returned to the risk equalisation fund.

The Bill provides for a small increase from 4.4% to 6% on sales. This figure was recommended by the Health Insurance Authority, having obtained the services of external economic consultants. This 6% figure is at the lower end of the scale recommended by the review. The Minister for Health does not have a role in setting prices for health insurance products or targets for profits and this year's Bill reduces the stamp duty on health insurance contracts, which is hoped will be reflected positively in the insurer pricing.

I will refer to Sláintecare. It is important, because when this Bill was discussed in the Dáil last week, we heard a lot of contributions pointing out that 46% of people in Ireland have private health insurance. However, I was pleased to inform the Dáil that 42% of people in Ireland have a medical card or a doctor-only card. Many people have access to free GP care and 36% of them have a medical card.

15 December 2021

I will touch on Sláintecare, because many Deputies and Senators referred to it. The Sláintecare Implementation Strategy and Action Plan 2021-2023 was approved by Government in May this year. The six-month progress report published last month indicated that of the 112 deliverables, 109 were on track or progressing with minor challenges. I expect the progress to continue at pace in 2022, supported by the allocation in budget 2022 of €21 billion, which was the biggest-ever investment in Ireland's health and social care service to deliver Sláintecare.

There is no doubt about the appreciation in both Houses of the importance of Sláintecare and moving it forward. We saw Sláintecare at its best this year, when 8.2 million doses of a vaccine were administered, free at the point of entry, with access to all. That proves what Sláintecare is all about.

Senator Malcolm Byrne raised the issue of health insurance for non-EEA students in a Commencement matter last week and it was raised by other Senators.

4 o'clock

The issue concerns non-EEA students studying in Ireland who are required by the Irish Naturalisation and Immigration Service in the Department of Justice to meet certain visa requirements when studying in the country, one of which relates to health insurance. In order to meet immigration requirements, non-EEA students studying in Ireland for more than one year must purchase a health insurance policy from an insurance provider registered with the Health Insurance Authority, which is the independent statutory regulator of the Irish market. This position has been affirmed in the Irish courts. I know this is causing a lot of bother for students from non-EEA countries studying in Ireland. I understand the officials are engaging on this and that there will be a positive update in the new year. This is as much information as I have. There is a lot of work going on in the background on this issue. I thank everyone for raising it. It is only when these issues are raised on the floor of the Seanad or Dáil that they come to people's attention.

Senator Martin Conway: Will the Minister of State keep us posted on this issue?

Deputy Mary Butler: Absolutely, I certainly will.

Senator Martin Conway: I thank the Minister of State.

Deputy Mary Butler: The purpose of the Bill is to specify the revised credits and corresponding stamp duty levies to apply on health insurance policies from April 2022. The credit and levy rates for next year strike a fair balance between the need to support community rating while maintaining sustainability of the market. I reiterate the Government's commitment to improving public health services under the Sláintecare programme. I thank everyone for their co-operation on Second Stage and for supporting this technical Bill.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Senator Lorraine Clifford-Lee: Now.

An Cathaoirleach: Is that agreed? Agreed.

Health Insurance (Amendment) Bill 2021: Committee and Remaining Stages

Sections 1 to 9, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

An Cathaoirleach: When is it proposed to take Report Stage?

Senator Lorraine Clifford-Lee: Now.

An Cathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

An Cathaoirleach: When is it proposed to take Fifth Stage?

Senator Lorraine Clifford-Lee: Now.

An Cathaoirleach: Is that agreed? Agreed.

Question, “That the Bill do now pass”, put and agreed to.

Sitting suspended at 4.03 p.m. and resumed at 4.45 p.m.

Companies (Corporate Enforcement Authority) Bill: Committee and Remaining Stages

Sections 1 to 9, inclusive, agreed to.

SECTION 10

Senator Lynn Ruane: I move amendment No. 1:

In page 9, line 5, after “of” to insert “financial and non-financial”

I welcome the Bill and the aim behind it to put a stop to, or draw more attention to, crimes that are of a more privileged financial nature. It is essential that these crimes are properly investigated and prosecuted in Ireland. I want to take this opportunity to voice my support for the establishment of the corporate enforcement authority. With this support in mind, the amendments I have tabled seek to strengthen the remit and functions of the authority and allow it the best chance of meeting its aims. To this end, amendment No. 1 is very simple. It looks to insert the concept of non-financial reporting explicitly into the text of the Bill. The amendment would grant the authority the ability to enforce non-financial obligations, standards and procedures now or at any time the Minister considers appropriate.

In July, the House passed the Gender Pay Gap Information Act. The corporate enforcement authority should be empowered to ensure company directors and their shareholders are held responsible for the standards set out in that Bill. I also believe that making non-financial oversight explicitly part of the authority’s functions would future-proof the authority for forth-

coming legislation.

As the Minister of State is aware, the Companies (Emission Reporting) Bill 2021 has passed Second Stage. Under section 10 of that Bill, should an offence be committed by a company director, manager, secretary or other officer of the body corporate in their emissions reporting they would be prosecuted. With such legislation in mind, the amendment looks to ensure the authority can be proactive rather than reactive in the upholding of non-financial standards and obligations of the body corporate.

With regard to this amendment, I have spoken in this Chamber on multiple occasions about the use of non-disclosure agreements, NDAs, within various sectors of our society. As I am sure the Minister of State is aware, NDAs prevent the sharing of information that companies deem confidential. Originally, they were devised to maintain company and sectoral trade secrets but, following the #MeToo movement, the full extent to which NDAs have been used to silence victims of sexual assault, harassment and bullying has emerged. The reason I bring this up in the context of the corporate enforcement authority is that these NDAs are often used by company directors and those in positions of authority in companies to silence victims of sexual assault or harassment. They use them to stop victims of such abuses from speaking out and to treat such abuses as if they were trade secrets. The corporate enforcement authority has an obligation to examine the use of NDAs in the State and to audit the payments companies are making under the guise of NDAs.

To follow on from that point, I will briefly state that amendment No. 2 relates to this amendment. I am disappointed that it has been ruled out of order. The purpose of amendment No. 2 was to amend the composition of the authority's membership in order that it would comprise no less than two and no more than five members. This was ruled out of order because my second amendment was in large part a follow-up to my first. It is an amendment which aims to be proactive in the context of future legislation which may come under the remit of the authority. The amendment would also have facilitated the authority's enforcement of non-financial obligations, standards and procedures now and in the future. I am aware that the Minister of State addressed this point regarding expanding the membership on Second Stage, but I still do not see the logic in restraining ourselves in the investigation of corporate crimes. The Minister of State noted, for example, that increasing the authority's membership to three would give a staff to member ratio of 20:1, a figure he noted as being top-heavy. However, who is to say that we will not also need to expand the staffing of the authority in the future?

I am also aware that, when this matter was raised in the Dáil, the Minister of State noted how the three members would be given scope in the areas of investigation, prosecution, supervision and advocacy with clear lines of responsibility. As I have stated already today, however, the scope of corporate crime is constantly changing. There must be a level of flexibility and capacity in the remit of the authority's members to address this. What are often known as white-collar crimes - which is a term I do not really like - are more accurately just the crimes of those in a more privileged position. This is true whether financial or otherwise. The Government now has the opportunity to establish this new authority and to hold such criminals to account. I have already cited the possibility of the authority maintaining standards and obligations of the body corporate with regard to the Gender Pay Gap Information Act 2021 and any forthcoming legislation on emissions reporting but we are all well aware that the financial services industry is only going to grow in the coming years with the further expansion of the fintech and crypto-finance sectors. To work effectively, the authority must grow to meet these demands. The only way to do this is by appointing experts to top positions within the authority. That means

increasing the membership capacity.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank Senator Ruane for putting forward her amendments. With the permission of the Chair, I will speak to amendment No. 1 and to amendment No. 2, which has been ruled out of order.

I thank the Senators for bringing forward amendment No. 1. It permits me to provide further clarity regarding the existing functions of the Director of Corporate Enforcement, which will become the functions of the new authority. The Director of Corporate Enforcement has responsibility for enforcement in respect of breaches of company law by companies, whether the breaches relate to financial information, the provision of non-financial information or compliance with the range of the statutory obligations on directors and companies under the Companies Act 2014. Section 10 provides for the functions of the new authority. It re-enacts the existing provisions of section 949 of the 2014 Act, which is being repealed by this Bill. Therefore, the new authority will have the same functions and powers that the director currently has. These include the power to undertake enforcement action in respect of non-compliance with the rules of the EU non-financial reporting directive, which are transposed by way of statutory instrument in SI 360 of 2017. I assure the Senator that the functions of the new authority will include enforcement in the areas of financial and non-financial information. Rather than providing clarity, the Senators' amendment could inadvertently narrow the scope of the functions of the new authority. Therefore, I cannot support the amendment.

With regard to amendment No. 2, which was ruled out of order, I spoke at length in this House and the Dáil on the rationale behind the number that was decided upon. The number has been assessed and deemed proportionate and appropriate in the medium term. I sought the views of the Director of Corporate Enforcement, who agrees with this number. There is flexibility. While we are starting off with one member, we have the flexibility to increase the number to three.

Amendment put and declared lost.

Acting Chairperson (Senator Michael McDowell): Amendment No. 2 has been ruled out of order.

Amendment No. 2 not moved.

Senator Lynn Ruane: I move amendment No. 3:

In page 26, to delete lines 23 to 37.

The purpose of this amendment is to remove the possibility that the authority might anonymise published details of certain individual cases in respect of “the relevant sanction imposed on the relevant director [where] such publication would be disproportionate” or where “the Authority is of the opinion that the publication of those particulars in accordance with subsection (1) would jeopardise the stability of financial markets or an ongoing criminal investigation” or “the Authority is of the opinion that the publication of those particulars in accordance with subsection (1) would cause disproportionate damage to the relevant director.”

To put these provisions in context, the authority will be given the ability to anonymise particulars in order to protect directors who have committed crimes potentially involving millions

of euros as it sees fit while my colleagues and I are dealing with hard-working, honest members of the public who may have committed minor crimes at some time in the past. I am talking about offences as simple as robbing a sliced pan, not having a television licence or breaking a shop window. These offences may have occurred at any stage in people's lives but they cannot move on or get a job. Their lives, their communities and their families are damaged because these offences still appear on Garda vetting forms. It seems that while we are all equal in the eyes of law, some are more equal than others. The removal of this subsection and the acceptance of this amendment would ensure that the integrity of the authority is maintained.

The Minister of State will argue that these provisions will be used sparingly but while general and imprecise language such as "would cause disproportionate damage to the relevant director" remains in the Bill, the clause remains open to abuse by those who wish to and, more importantly, have the means to, remain anonymous. Who is to decide what is considered proportionate damage to a director? During the Dáil debate on this matter, the Minister of State mentioned that the decision as to who is entitled to anonymity will be made by the authority's new director. I am afraid that such a system inherently leaves the door open to abuse, especially when we consider the scale of the financial resources available to the companies this authority is set to audit. I urge the Minister of State to consider this amendment in order to strengthen the powers and legitimacy of the authority and to maintain its integrity.

Deputy Robert Troy: I understand that the Senator is concerned that the proposed section 944AE(3) will limit the publication of, and therefore the transparency of, administrative sanctions imposed on directors in certain circumstances. This is important, and I agree that such limitations should be minimal. However, there is an important reason for their inclusion in this Bill in the first place. I will try to explain this as clearly as possible so that there is no misunderstanding about the need for and rationale behind this rule.

5 o'clock

This section is a specific requirement of EU law and transposes Article 30c(2) of the EU audit directive practically word for word. The section provides for certain circumstances in which administrative sanctions imposed on a company director by the authority may be published anonymously. Comparing this with what goes on in court, therefore, is not a fair reflection of this aspect. This is an administrative process and done outside the judicial system. The administrative sanctions in question in this Chapter of the Bill relate to situations where a director of a public interest entity is found to have contributed to breaches of EU audit rules. That is all we are dealing with here. These provisions do not extend beyond these breaches into the broader provisions of the Companies Act 2014. What we are doing is transposing EU rules on the audit directive, and that is exactly what this specific section is concerned with in this legislation. It is entirely a decision and at the discretion of the authority as to whether it decides to publish the sanctions anonymously. However, it is a principle of natural justice that a director subject to sanction could seek to make a case that publication of a sanction would be disproportionate in some way.

Nonetheless, there are many precedents for publication of directors' details under the umbrella of the Companies Act 2014, such as in the case of restriction and disqualification of directors. So while I cannot pre-empt a decision of the authority, which is independent in its functions, I can say with confidence that the default position in law and in practise should be that sanctions imposed under this Chapter of the Bill are published. Ultimately, as I said, failure to re-enact these provisions would mean that Ireland would be in breach of its EU obligations.

The authority is independent in its functions, but the default position in law and in practise should be that administrative sanctions imposed under this Chapter of the Bill are published. The threshold for making an exception to the rules is very high, such as, for example, where there is the possibility of damage to the financial system or where a criminal case could be impacted. I understand that, to date, no sanctions have been imposed on directors of public interest entities under sections 957B to 957I. However, there are equivalent administrative sanctions and procedures for statutory auditors in sections 934A to 934I, inclusive, of the 2014 Act. The Irish Auditing and Accounting Supervisory Authority, IAASA, has imposed two sanctions to date under its similar powers and in both cases the full details of the auditors and the audit firms are published on the body's website.

Senator Lynn Ruane: We have created legislation that gives an authority administrative powers. I find it confusing then, and this aspect will not be within the remit of the Minister of State, that when we seek to advance other policies where administrative decisions could be made, such as, for example, in drug decriminalisation, we are told we live in a country that operates under common law and not civil law and that there are no administrative powers. Therefore, I am wondering how we can create administrative powers to allow for, and to anonymise, sanctions in one area of legislation while we cannot in others.

I am probably going to take it as a positive development that we now can create systems whereby the law can be administered at that level, because then it would benefit other areas we have been working on concerning matters such as drug decriminalisation. The Minister of State spoke about the EU regulations by which we are bound and mentioned that material is released on the relevant website. With that in mind, I wonder if the Minister of State will commit to a compromise whereby a report would be laid before the Houses of the Oireachtas in respect of this authority each year, and within which there would be a breakdown of the number of cases the authority has undertaken in the previous year and details of the proportion of those cases granted anonymity.

Acting Chairperson (Senator Michael McDowell): Is the Senator pressing the amendment?

Senator Lynn Ruane: I will see if the Minister of State responds first.

Acting Chairperson (Senator Michael McDowell): Does the Minister of State wish to reply?

Deputy Robert Troy: To reiterate, we considered this proposal. It was raised during pre-legislative scrutiny, on Second Stage and Committee Stage in the Dáil and on Second Stage in this House last week. The proposal has been considered, therefore, but there is no flexibility here because we are simply transposing EU regulations. These regulations were brought in as a result of the financial crash and concern audit requirements. We are transposing those aspects via this legislation. As I said already, this legislation is only concerned with EU audit rules.

This body, the new corporate enforcement authority, will have its annual report published. It will be a requirement for the new organisation to do that. Therefore, any irregularities which are found will be published as part of that report. In addition, a similar body with a supervisory role and that carries out investigations, the IAASA, has enacted two such sanctions under its similar powers. In both cases, information on those sanctions and the details of the auditors and the audit firms were published. It was not just information concerning the audit firms that

was provided, but also details concerning the auditors who conducted the audits. While I can appreciate where the Senator is coming from, I do not think she has anything to fear regarding people trying to withhold information just for the sake of it.

Senator Paul Gavan: It is nice to see the Minister of State again. I was not going to speak on this amendment, but I have been persuaded by what Senator Ruane has said. She is trying to reach a compromise here, and it seems to me to be a reasonable one. What is being sought is for the Minister of State to commit to reports being published each year detailing what percentage of people have been found guilty in the form of anonymised information. That would give us a good feel for what is happening and a sense of the extent of anonymity in this regard. It strikes me that this is genuinely a reasonable request and it would be helpful if the Minister of State could accede to it.

Deputy Robert Troy: As I said, the proposed new section 944T clearly states that there is going to be an annual report and that it “shall include information in such form and regarding such matters as the Minister may direct but nothing in this subsection shall be construed as requiring the Authority to include information the inclusion of which would, in the opinion of the Authority, be likely to prejudice the performance of its functions”. Therefore, there is absolutely no reason this information cannot be included in the annual report as it stands.

Senator Lynn Ruane: Without this information being asked for explicitly, there is also no reason for it to be included, if the Minister of State understands what I mean. There is no reason for the new authority not to include this information, but if there is no requirement to do so, then there is also no reason for the new authority to include these details in the report. Perhaps between now and Report Stage, we could discuss what requirements there may be or what we can expect to see in a report.

Deputy Robert Troy: There is no problem in giving that commitment and it does not alter the Bill. We can direct that as part of its annual report the authority would publish details of what investigations have been concluded and the percentage of those investigations published in that regard. That is no problem.

Senator Lynn Ruane: I withdraw the amendment.

Amendment, by leave, withdrawn

Section 10 agreed to.

Sections 11 to 36, inclusive, agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported without amendment.

Acting Chairperson (Senator Michael McDowell): When is it proposed to take Report Stage?

Senator Garret Ahearn: Now.

Acting Chairperson (Senator Michael McDowell): Is that agreed? Agreed.

Bill received for final consideration.

Acting Chairperson (Senator Michael McDowell): When is it proposed to take Final Stage?

Senator Garret Ahearn: Now.

Acting Chairperson (Senator Michael McDowell): Is that agreed? Agreed.

Question, “That the Bill do now pass”, put and agreed to.

Sitting suspended at 5.12 p.m. and resumed at 6 p.m.

6 o'clock

TRIPS Waiver: Motion

Senator Alice-Mary Higgins: I move:

“That Seanad Éireann:

notes with concern:

- the ongoing global impact of the Covid-19 pandemic;
- the lack of equitable access to vaccines for many countries in the global south, particularly African countries;
- that it is an injustice that only 5.88% of people living in Africa are fully vaccinated and only 27% of healthcare workers across Africa are fully vaccinated;
- that public health experts have consistently warned that failure to reach sufficiently high vaccination levels in every part of the planet would contribute to the emergence of new variants of concern such as the recently announced Omicron variant;
- that the European Commission has consistently blocked the introduction of a Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver on Covid-19 vaccines and technology at the World Trade Organisation’s (WTO) TRIPS Council;

further notes:

- that very large amounts of public money contributed to the discovery and development of Covid-19 vaccines;
- that the introduction of a TRIPS waiver could contribute to a significant increase in global manufacture of Covid-19 vaccines, including wider manufacture in the global south, and this would expedite global access to vaccination;
- that a TRIPS waiver was first proposed by South Africa and India in December, 2020, and has been supported by over 100 countries worldwide;
- the support of the United States of America for a TRIPS waiver, recently reaffirmed by President Biden;

15 December 2021

- the resolution of the European Parliament in support of a TRIPS waiver in June 2021;

- the report published by the Joint Oireachtas Committee on Foreign Affairs and Defence in March 2021, which identified a TRIPS waiver as a key public health mechanism and noted its importance in response to the HIV-AIDS crisis;

- the strong calls from the World Health Organisation (WHO) and UNAIDS for a TRIPS waiver and global vaccine equity;

- the calls from international civil society organisations, including Médecins Sans Frontières, Oxfam, Amnesty International, Trócaire and Christian Aid, for a TRIPS waiver;

- that a formal appeal to the United Nations has been filed by nursing unions from 28 countries, representing 2.5 million nurses, stating that the failure of the European Union, United Kingdom and other countries to support a TRIPS waiver has cost huge numbers of lives in the global south;

- that less than one-third of vaccine doses pledged through the COVAX Initiative have been delivered;

recognises that:

- a global pandemic requires a global response;

- the longer we take to achieve global vaccination thresholds, the more lives will be lost and the greater the cumulative damage to societies and economies worldwide;

- a TRIPS waiver is an important part of an effective global public health response;

- the prolonged delays in the agreement of a TRIPS waiver at the WTO TRIPS Council has worsened the situation in respect of Covid-19 for global south countries;

- sustained blocking of a TRIPS waiver at the WTO TRIPS Council is not responsible or sustainable from a moral, diplomatic or public health perspective;

- none of us are safe from Covid-19 until everyone is safe;

calls on the Government to:

- immediately express public support for a TRIPS waiver on Covid-19 vaccines and technology, as a crucial step in supporting the scaling up of vaccine production in low and middle-income countries;

- urgently write to the President of the European Commission and the European Commissioner for Trade to express Ireland's support for a TRIPS waiver and to call on the European Commission to end its blockage of the proposal at the next meeting of the WTO;

- strongly, publicly and consistently call on the European Commission, fellow members of the European Union and other countries across the world to support a TRIPS waiver on Covid-19 vaccines;

- sign up to the WHO Covid-19 Technology Access Pool (C-TAP) and support its efforts to facilitate the open sharing of technology and know-how in relation to vaccine production and the treatment of persons infected with Covid-19.”

I am sharing time with Senator Ruane.

The Minister of State, Deputy English, will be aware I have been raising this issue for many months with many Ministers. I will begin with a sense of the timeline of what has got us to the point we are at today. This time last year, we were at a point, following a difficult year of the pandemic, of cautious optimism. We had seen the damage inflicted by the pandemic but also the importance of solidarity. We had heard much talk about how no one is safe until we are all safe and that the only way we could address this was by working together. We reflected that in communities and at national level and we were told it was being reflected at international level as well. Governments came through, and €93 billion was given in public funding to expedite the development of vaccines.

In the meantime, as part of that, the infrastructure was being put in place to ensure that once those vaccines had been developed, they could be shared rapidly and that they would reach those who most needed them. The COVAX initiative, we were told, would prioritise getting the most vulnerable 20% of every country in the world vaccinated before we then moved to reaching that threshold of vaccination that might help slow or halt the pandemic in every other country. The Covid technology access pool, C-TAP, had been set up to provide a clear, safe, planned mechanism that would allow companies to share intellectual property of different kinds relating to diagnosis, testing, treatment and vaccination against Covid-19.

All these elements were in place, yet just a month or two later, in January 2021, we found ourselves at a point where all the promises that had been made and the commitments given were already beginning to fray. The director-general of the World Health Organization, Dr. Tedros Adhanom Ghebreyesus, warned in the context of vaccine inequity that “the world is on the brink of a catastrophic moral failure – and the price of this failure will be paid with lives and livelihoods in the world’s poorest countries”. That was the warning and the appeal in January of this year. Since then, we have seen the failure to share intellectual property or to engage with the sharing of technology access pool. We have seen how vaccine manufacturers very much chose to prioritise profits over public health and did not engage in the voluntary licensing or sharing of patents, know-how or, crucially, the trade secrets and manufacturing information.

As for the really important COVAX initiative, to date only one third of the promised doses have been delivered. We are nowhere near the idea of 20% of vulnerable populations throughout the world having been vaccinated. In Africa, only 5.88% of people have received full vaccination, while the figure for their front-line health workers, who are meant to be a priority, is only 27%. The figures relating to the sharing of COVAX are extraordinarily poor. Not only that but, instead of doing what COVAX was designed for, namely, richer countries sponsoring the manufacture and direct delivery of vaccines to poorer countries, richer countries have bought up and hoarded vaccines and then donated them, just as they are on the brink of expiry, to systems that will struggle to distribute them in time. As has been highlighted by health experts and the World Health Organization, that is not what COVAX was designed for. It is not a charitable overflow. It was meant to be a core part of how we would tackle this together. Ireland has failed, as have other countries, in meeting the targets for COVAX vaccines.

I raised this last June. In *The Lancet*, the world’s most respected medical journal, in that

month an expert is quoted as saying: “[COVAX] was a beautiful idea, born out of solidarity. Unfortunately, it didn’t happen [because] rich countries behaved worse than anyone’s worst nightmares.” That is a very credible, respectable and careful medical journal giving us the verdict in June. Before that, throughout this process, there had been the call for a trade-related aspects of intellectual property rights, TRIPS, waiver, whereby we would waive the intellectual property rights, on an international level, to ensure poorer countries would be able to manufacture their own vaccines and we would have the maximum level of manufacturing as quickly as possible, given we know this is about getting ahead of the virus.

That proposal originally came in October 2020 from India and South Africa to the World Trade Organization TRIPS council and has since been backed by 100 countries, including the United States, which backed it in May of this year and again in November. President Biden directly appealed to the world’s nations to rise to the challenge and address this issue quickly. The main blocks to the sharing of intellectual property have been the European Union, as represented by the European Commission, Switzerland and the UK, that is, a handful of countries set against 100 other countries, the World Health Organization, UNAIDS, other UN bodies and, crucially, civil society organisations of every kind. We recently arrived at a point at which 2.5 million nurses had lodged an appeal with the UN over the human rights violation represented by delaying the sharing of intellectual property and vaccines and putting the global health front line at risk. As this has progressed, the deaths have mounted. The figures vary from 5 million, according to some accounts, to 17 million, according to *The Economist*, if the indirect deaths are counted. We should bear in mind that we are losing our global health front line.

There has been a consistent warning to the effect that if we do not take action, we risk the emergence of new variants. We talked about that back in March. It was acknowledged by the Minister of State, Deputy Troy, in March, yet Omicron has emerged, as was predicted and as was inevitable. We see the effects. We all know people who have caught Covid in the past month or week. It is spreading very rapidly across Europe, including in the UK and Ireland. Imagine the circumstances in a country in which only 5% of the population are vaccinated. In such a country, not only are more people catching the virus, but more are dying from it. In such a country, the health service staff are not vaccinated, there is no social welfare net, and there is no access to credit to keep businesses afloat. Imagine that, because that is the reality we are choosing to impose on the world. Imagine how you would feel if a solution was available that was not being shared. Last week African countries were meeting to talk about starting from scratch and inventing their own mRNA vaccines. They would have to start where we were two years ago, perhaps having trials in 2023. This is happening because are not sharing.

In my last minute or two, I want to address the countermotion because it does not stand up. I thank Dr. Aisling McMahon of Maynooth University, Dr. Luke McDonagh of the London School of Economics and many experts who have rebutted it. Let us be clear: there has been stalling and there have been disingenuous arguments, none of which stands up. The idea that there is insufficient manufacturing capacity was disproved last spring. It was disproved again this week when 100 specific factories were identified that could be producing within three months. The idea that incentives and innovation would be killed does not stand up. We heard that argument about sharing HIV drugs and it did not stand up. In fact, we are not using the world’s scientists to innovate and build on what we have done. We are sending them back to the starting block that existed three years ago rather than building on the work of South African scientists so we will be ahead of the curve.

Let us be honest about the fact that it was the €93 billion in public money that drove the

speedy development of the vaccine. The arguments about incentives do not stand up. The argument on TRIPS flexibilities that is now being proposed is extraordinarily disingenuous. It is patronising the public by putting the word “flexibilities” next to the word “TRIPS” so it will sound like a TRIPS waiver. It is not. In June of this year, when the World Trade Organization itself said we should start negotiating on the text and that concerns could be addressed in the text, the EU said that, instead of negotiating on the text, it wanted to make a counter-proposal. It wanted to stall discussion on the TRIPS waiver by putting a different proposal on the table. It was proposing an explanation of the TRIPS agreement based on the belief that, somehow, all the non-EU countries in the WTO did not understand, and also proposing to ask countries whether they knew the pandemic was a national emergency. The countries in question know that, and they know that there has been a failure to use the compulsory licensing measures successfully time and again because they have been blocked by countries. It appears to be a matter of a country-by-country solution whereby each vulnerable country must try to negotiate and achieve a patents licence, which may be involve hundreds of patents, regarding any one vaccine. The countries in question know that countries that have done this in the past faced huge reprisals, much as South Africa, when it tried this approach with HIV, had 14 different companies taking cases against it at one point. It has been sanctioned and pressured by other countries.

Also on compulsory licensing, we know about the idea of compulsory licensing for exports. In this regard, the one company that has tried to achieve this in respect of Covid-19, in Canada, has been resolutely blocked. Compulsory licensing for exports has been described as completely unworkable and has only ever been deployed once. By contrast, the TRIPS waiver does not mean the end of intellectual property everywhere; it means the end of the international blocks in respect of intellectual property. Each country, even if wealthy, could choose, if it so wished, to maintain its national intellectual property regime. If wealthy countries wished to continue to keep intellectual property regimes, they could, but what I propose would mean the poorer countries, the developing countries, would be able to take the steps they need to.

The arguments do not stand up. They are extraordinarily weak. It is disgraceful that we will enter February 2022 with yet more stalling by the European Commission. I ask the Irish Government to take a stand. Our stance is destroying our reputation, including diplomatically, and doing a disservice to our tradition on human rights.

Senator Lynn Ruane: I second the motion.

I thank the Minister of State. I also thank Senator Higgins, who has shown great leadership and come from a place of being a global citizen and of caring deeply about everybody around the world, not just ourselves. It will be hard for anybody in this House to match her knowledge, experience and passion. We should all listen carefully to what she is saying about this.

We will hear much debate about the TRIPS waiver, many statistics and arguments, and references to complex trade agreements. In the short time I have, I will try to be clear. There is a virus, there are victims of that virus, and there is a vaccine. It is as simple as that. When I speak about victims, I do so in the broadest possible terms. I am speaking of those who have died, their families and communities, not only in Ireland but also across the rest of the world. What Senator Higgins said made it so real. She asked us to imagine what it would be like if we were sitting here if some other country had the solution and we could not gain access to it. It is as simple as that for us, and it should be that simple for everybody.

What will be made clear this evening is the fact that, more often than not, suffering is not in-

nocent. While we may all be experiencing Covid to a greater or lesser extent, it has not excused or stopped us from condemning others. There are victims of Covid and many more millions of victims of our policy choices. The latter do not have to die from Covid. We are making a policy choice not to give them access to the vaccine. Our choices and policy decisions are what people fall victim to in the global south.

Only two days ago the Minister for Health announced that the gap between booster shots will be reduced to three months, which is welcome news, but it tends to jar when considered alongside recent WHO research that found six times more booster shots are being administered daily around the world than primary vaccine doses in low-income countries. It does not have to be like this. After all, when we think about what the word “pandemic” means in Greek — “all people” — we realise it impacts all people. Therefore, all people should have access to the same solution. This is implied in the term “pandemic”. This is highlighted by the fact that researchers have indicated that the Omicron variant originated in areas with low vaccine-access rates. It is for this very clear and simple reason that more than 400 leading scientists and medical professionals, including Professor Luke O’Neill, Professor Clíona Ní Cheallaigh and Professor Sam McConkey, signed a public statement earlier this month urging the Government to support the TRIPS waiver.

Throughout the first lockdown, I read Albert Camus’s classic *The Plague*. I realised we have not really evolved very much and that we have been here before. The story has already been told. One quote I took from the book was, “It may seem a ridiculous idea, but the only way to fight the plague is with decency.” What we are seeing here in the context of the counter-motion and the refusal to sign the TRIPS waiver is a lack of real and honest human decency and it is wrong.

Senator Fiona O’Loughlin: I move amendment No. 1:

To delete all words after “That Seanad Éireann:” and substitute the following:

“acknowledges that:

- universal and equitable access to vaccines is crucial in the global fight against Covid-19 and Governments in the developed world must do more to ensure this;

- international trade is a competence of the EU under the Treaties and in exercising that competence, the European Commission engages fully with the Member States, including Ireland, through a variety of Committees and Working Parties/Groups, including on Intellectual Property;

- Ireland will engage with the European Commission and other Member States on the EU position for the WTO discussions on how the flexibilities within the TRIPS Agreement can contribute towards increasing the manufacturing capacity and the equitable access to vaccines around the world;

- the EU continues to be committed to an open and comprehensive dialogue with all WTO members to explore how the multilateral rules-based trading system can best support universal and equitable access to Covid-19 vaccines and treatments;

- the EU made an alternative proposal which is targeted and pragmatic and aims at ensuring that Governments can resort to compulsory licences, including to export

to countries with no or limited manufacturing capacities, in the most effective manner adapted to the circumstances of a pandemic;

- since the inception of the TRIPS Agreement, Least Developed Countries (LDCs) have benefitted from an extended transition period to apply provisions of the TRIPS Agreement, in recognition of their special requirements, their economic, financial and administrative constraints, and their need for flexibility in order to create a viable technological base;

- the EU considers that the COVAX Facility, the international initiative to ensure global access to Covid vaccines, is the mechanism that is best placed to ensure that high-income countries finance the vaccines and support developing countries to secure their share of global supply;

- the EU with its Member States have been the leading donor to the COVAX Facility with €3.2 billion committed for equitable distribution of vaccines; the EU has been the leading exporter of vaccines, out of a total of 2 billion doses produced since December 2020, the EU has exported over 1.4 billion doses to 150 countries; the EU's target is to donate 700 million doses by mid-2022; and the EU is also investing €1bn to ramp up mRNA production capacity in Africa;

- Ireland will donate over 1.3 million surplus vaccines this year to low-income countries as part of the COVAX programme; the first 500,000 Irish doses donated through COVAX reached Nigeria on 29th November; in addition, Ireland has delivered on its commitment to donate 335,000 Covid-19 doses to Uganda, with further significant donations to follow soon; and Ireland has contributed €7 million to COVAX to facilitate the procurement of vaccines by low and middle income countries, this translates roughly to a further 1.2 million doses of vaccine donated by Ireland to low-and-middle income countries;

- the risks to companies of investing in vaccine development and manufacturing were underwritten and mitigated by large public investments and advance purchasing agreements; and notwithstanding these interventions, consideration of the matter must balance the need to encourage and support industry to carry out research, innovate and develop new medicines and vaccines with the importance of ensuring fair, equitable access to medicines and medicinal products.”

I thank Senator Higgins for tabling the motion and Senator Ruane for seconding it. It is a really important debate. We hope the Government will take note of it. Universal and equitable access to vaccines is crucial in the global fight against Covid-19. One of the most moving interviews I have heard on this issue took place on the “Brendan O’Connor” radio programme on Saturday, 28 November. I love listening to Brendan O’Connor on Saturdays and Sundays. He has an objective view and never has any agenda in terms of who he brings in to interview or how he responds or reacts. He always tries to be fair to everybody. Dr. Gabrielle Colleran was on his show on that date. Sometimes you hear an interview that stops you in your tracks and you know that what is being said is crucial. For the past 20 months, we have all been listening to debates about Covid, vaccines, masks, mask-wearing, social distancing and all the different things, so, to a certain extent, we may be slightly inured to the debate. The interview with Dr. Colleran, however, was incredible. She actually broke down crying during the interview when she was asked about this issue of global vaccines. She apologised and explained that she was

tired and exhausted, as were all of her colleagues. They are all working so hard to ensure that those who are sick in hospital and in ICU recover and they are trying to get shots into everybody's arms. Speaking about global vaccines and trying to get vaccines to the poorer and least-developed countries, she was at a loss in respect of how we cannot see the bigger picture in terms of the moral view, which is hugely important - this is about equity and ensuring those in the poorest countries have the same opportunities as us to stay healthy and be able to thrive - but also the whole notion that none of us are safe until all of us are safe and that while there are so few vaccines in poorer countries, we are all at risk. There is an argument on every side of this issue. I say "Fair play" to Dr. Collieran. She really put it into perspective in that interview. For the record, I support the whole TRIPS area.

She also spoke about pharma companies and the fact that, basically, they are saying that their innovation would not be protected if the waiver was given. That is not necessarily the case, however, because countries put significant amounts of money into developing these vaccines and that has to be recognised. The risk was not taken just by the pharma companies. It would not stifle innovation. We cannot protect global pharma if doing so results in lives being lost.

The Royal College of Surgeons in Ireland today issued a statement in support of the TRIPS waiver. It made the point that 75% of those in high-income countries have received at least one dose of the vaccine, compared with only 7% in low-income countries. As all present are aware, the latter countries have fragile health infrastructure and weak economies and are unable to cope with the increased pressure caused by the pandemic. Resources are diverted from other important areas such as HIV and malaria as a result. There is no doubt that an unprecedented human and health crisis is taking place before our eyes. We have to advance the global waiver in order to overcome Covid for medical reasons as well as moral ones. Our place in the world is important.

The Minister for Health announced yesterday that Ireland is to donate another 3 million Covid-19 vaccines, which is very welcome. Adding that to the vaccinations that have already been supported by Ireland through COVAX, it is a really big commitment. It means that, essentially, a vaccine has been provided on behalf of each person in this country to people who need it. UNICEF had a really strong campaign urging people to get their vaccine and pay for another vaccine. I know that so many people in this country have taken that up. I thank all those who have done so. When there is a call-out to the Irish people, they are just wonderful in terms of their voluntary commitments and donations. All too often, they are a step ahead of us in these Houses in terms of showing solidarity. Those measures are important. We can never do enough. We have to be at the forefront of the global response and use our influence within the EU and the Commission to ensure that those who need vaccines get them.

Senator Joe O'Reilly: I warmly congratulate Senators Higgins and Ruane and the other signatories on bringing forward the motion. It is a worthy motion and discussion. I do not think there is any fundamental disagreement on the principles behind it. Rather, it is a question of how these things are achieved. I welcome the motion. No matter what position Members take on it, it is important that it has been brought to the floor of the House. I also welcome my colleague, friend and near neighbour, the Minister of State, Deputy English. I will say in a very non-partisan way that he is a doer. That is an objective fact. If anything that comes out of the discussion tonight can be achieved, he will do it and get after it.

I agree that the statistic cited by Senator Higgins of 5.8% of people living in Africa being

fully vaccinated is a very disappointing one. It is a bizarrely low figure. The figure of 27% of healthcare workers is also low. Obviously, all Members are aware of the principle that nobody is safe until everybody is safe, and the risk of variants in that context. There is a problem in eastern Europe as well. Although what we are discussing here is important, there are other issues and variables. There is a problem in several eastern European states where, because of a traditional fear of the state and totalitarianism, there is a reluctance to accept the vaccine. I am aware that in Georgia the figure is 30% acceptance. That is a dominant trend in many countries in eastern Europe.

Vaccine production will be at 12 billion doses by the end of 2021. The EU has exported 1.4 billion doses to 150 countries. It has provided €46 billion in support of poorer countries and given €3.2 billion to the COVAX programme. Ireland has given 3 million vaccines to low-income countries. They have gone to places such as Uganda, Nigeria and Indonesia. Those are important statistics. As I stated, team Europe has mobilised €46 billion in support of partner countries. Obviously, the COVAX programme is very important and we have been a very strong supporter of it. The first 500,000 doses reached Nigeria in November. More than 100,000 went to Indonesia and more than 300,000 to Uganda. Ireland has given €7 million to COVAX. Those are the positives. Where some of the difficulties arise here, and the Minister of State will probably elaborate on this later, is that we operate our trade relationships and trading situation within the EU. The EU is our overall trading negotiator, and we are a part of that. Intellectual property is the domain of the WTO, and there is an interaction there. While that is frustrating for a small country like Ireland, it is the truth.

EU countries are suggesting something less than a total TRIPS waiver. Regarding compulsory licences, the year remains open in respect of discussing with the WTO the licensing system that merits clarification. EU countries want to swiftly grant compulsory licences. A meeting is scheduled for tomorrow, 16 December, to discuss bilateral contact between delegations and a possible way forward on this. Some progress might be achieved tomorrow. The EU's stated position is that it wants to continue dialogue with WTO members and explore how the multilateral rules-based trading system can best support universal and equitable access to Covid vaccines. They want to go on negotiating within it.

Senator Higgins is dismissive of some of the arguments but there is a certain logic to them. She did say that even if the TRIPS waiver was introduced worldwide tomorrow morning, it would take up to three months, in her assessment, to get production systems going. There is an argument regarding production and distribution systems. We are all on the same page here. It is how we get the end result. Our amendment to the motion is purely the *modus vivendi* by which we get the end result, but there is no objection to the principle here.

Senator Gerard P. Craughwell: I thank the Minister of State for coming to the House to debate this important subject. I am very sorry that the Government has chosen to put forward an amendment to this great motion. That amendment underpins the Government's approach, which is not to rock the boat when it comes to dealing with anything trade-related or commercial. I preface what I say by referring to Jonas Salk, who discovered the polio vaccine. When asked why he did not patent the vaccine, he said it was because he wanted to be good ancestor. We should take that on board and reflect on it.

I open my contribution by acknowledging the massive effort by all in the pharmaceutical industry to find a vaccine which at worst minimises the effects of Covid-19 on those unfortunate enough to become infected or at best provides total immunity. Of course, we now know that

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this virus is mutating. Where it will ultimately end up is anybody's guess. I heard a UK Minister say this morning that we are likely to have to live with this for several years. In a recent article, the People's Vaccine Alliance revealed that companies behind the two most successful Covid vaccines - Pfizer-BioNTech and Moderna - are making a combined profit of €65,000 a minute. While I fully understand about the tough world of business - John Maynard Keynes spoke about the animal instincts of capitalism - such principles cannot be applied to human beings, which is what is happening in the world today. It is a case of profit over humans.

The world has lived with Covid-19 for almost two years. Recorded loss of life stands at 5.32 million. Unrecorded loss of life is estimated to be somewhere close to 20 million. We have seen the capacity of the virus to mutate with the onset of Omicron, the impact of which is not yet fully understood. Oxfam tells us that recent communication with the WHO has highlighted that six times more booster shots are being administered around the world than are primary doses in the underdeveloped world.

The contribution Ireland is making through the donation of vaccines is a drop in the ocean when one considers the number of people waiting for them. Those people sitting in the boardrooms of the pharmaceutical companies who developed the current range of Covid-19 vaccines and congratulating themselves on the profits they are making for their shareholders from the wealthiest countries in the world should perhaps pause for thought. Can they legitimately claim ownership of the property rights given the amount of money governments have pumped in? Senator Higgins referred to billions of euro, pounds and dollars being pumped into the development of the vaccines, in addition to advance orders for several tens of millions of doses more than any country needed. There are billions of unvaccinated people throughout the world. While that remains the case, this virus will continue to mutate freely through unvaccinated regions and come back to bite those who cherish their intellectual property rights so much. The priority must be to agree to a waiver of copyright and intellectual property rights and share all of the design and patents needed to ramp up production.

The Minister of State might address the following questions Oxfam asked me to put to the Minister. Given the TRIPS waiver would create a generic market for low-income countries but maintain the existing market and intellectual property protections for rich countries, as happened during the AIDS pandemic, how will this impact companies' incentives to innovate and produce new drugs when their main market will be protected under the TRIPS waiver? How does Ireland propose to balance its human rights obligations in taking a position on the TRIPS waiver, particularly in view of the fact that a petition to the UN Committee on the Elimination of Racial Discrimination argues that countries opposing removing intellectual property barriers on all Covid-19 medical technologies through the TRIPS waiver is facilitating the inequitable and racially discriminatory roll-out of the vaccines and other Covid-19 healthcare technologies? As this was a test case, Ireland will be impacted by those deliberations. Given the evidence against the workability of compulsory licences, can the Minister of State explain how compulsory licensing will work in practice, especially if it does not provide generic producers with the necessary trade secrets to produce vaccines? How are generic producers to access trade secrets and blueprints under any proposed compulsory licence system, other than via the flexibility of TRIPS? Whose advice has the Government sought in agreeing to this approach? What generic pharmaceutical companies or academic experts has the Government consulted in agreeing to it? Will the Minister of State agree to meet with the relevant generic industry and academic experts on the issue in the coming days?

I heard about us being part of the EU and sticking with European rules. Ireland can be a

leader or a follower. If we are a follower, we are a weak country. We must stand proud and stand by our fellow human beings in the world. I am certainly not prepared to stand by quietly and watch millions of people die and I thank my colleagues from the Civil Engagement Group and Senator Higgins in particular, who always speaks up on human rights issues. This is a human rights issue. If we fail to ensure that everybody in this world has fair access to a Covid-19 vaccine, we will open the door to this virus coming back with a vociferous bite to our bum and making us wake up as thousands of our own die. Mutations are what we need to guard against.

Senator Róisín Garvey: I find this debate deeply upsetting. It is a disgrace that we even have to have a debate because, to me, this is a no-brainer. It is not a trade issue but a human rights issue. I am a member of the Joint Committee on Enterprise, Trade and Employment which wanted to discuss this issue. I wondered why that committee would discuss it when it is a human rights issue. I do not know why it falls under enterprise, trade and employment, which is a shallow place to put this significant issue.

For those who do not know - it took me a while to get my head around it - TRIPS stands for trade-related aspects of intellectual property, IP, rights. It is too important an issue to use the acronym all the time. Nearly two years after the pandemic commenced, flexibilities within the TRIPS Agreement, including compulsory licensing, have not been used by any country to increase production of vaccines despite many experienced manufacturers around the world being ready and willing to make hundreds of millions of doses, including in places such as Bangladesh, Pakistan, Senegal, Denmark and Canada. In fact, generic pharmaceutical companies, such as Biolyse Pharma in Canada, and leading academic experts in intellectual property law, such as Dr. Aisling McMahon of Maynooth University with whom I had a meeting last week, and Dr. Luke McDonagh of the London School of Economics, have outlined why this approach is not suitable. It involves a cumbersome, inefficient, time-consuming and complicated legal process involving hundreds of patents and must be repeated using a country-by-country, patent-by-patent approach. That is ridiculous in the middle of a global pandemic. It does not address other key IP rights for vaccines such as trade secrets. A compulsory licence arrangement would give permission for the production of vaccines only after a timely legal process, while people are dying every day, but would not empower generic producers to be given the relevant blueprints on how to produce the vaccines.

A growing number of voices on the international stage are beginning to recognise the urgency with which this issue needs to be addressed. As Senators know, last week the European Parliament voted in favour of a resolution calling on the EU to support the granting of a TRIPS waiver to enhance timely global access to affordable Covid-19 vaccines, therapeutics and diagnostics by addressing global production constraints and supply shortages. It reminds me George Orwell's words that all animals are equal, but some are more equal than others.

Pfizer will make €36 billion profit from Covid vaccines this year. The Government has given €7 million to COVAX, as Senator Joe O'Reilly pointed out earlier. Let us imagine what that €7 million could have done if it had been given to countries to build manufacturing plants. They could have done that by now given that the pandemic has been going on for nearly two years. We know the saying, "Do not give a man a fish; give him a fishing rod". That is what we should be doing. That is what this is all about at the end of the day. It is not about condescending rich countries giving other countries some money but about seeing them as equals. That is what is happening here. We do not see them as humans or as equals. In 2021, it is an absolute disgrace. Thanks to social media, we can see what is happening all over the world. We know this is wrong and unfair.

The TRIPS waiver is dividing people. We know how it worked with the AIDS virus. This has nothing to do with the EU or what it is saying. As a country and a people, we know what it is like when people do not get what they need. We know that from the Famine. This should not be debated. I know I am a Government Senator but this TRIPS waiver is really important. It is so sad that we have to argue about it because everybody cares about humans. Our job as Government politicians is to show that we care about people. On the TRIPS waiver, people have to look into their hearts and ask how we can justify objecting to this, which would be wrong.

It would be great to see Ireland leading the way on this, as we have done in many other situations all around the world. I ask those in government who are opposed to the TRIPS waiver for whatever reason - I do not care what it is - to look into their hearts and ask themselves to think about morals and ethics in this instance. We are all humans and we are all equal, from the cleaning lady to the woman with eight kids in South Africa. It does not make a difference who we are. There is no debate on this. We are all equal and deserve this vaccine or, at least, the choice to take it.

I heard someone from Oxfam say that the vaccines that we, the great people of the West and the rich countries, donate often arrive out of date and cannot be used. It is a joke. We have to get this right. It is too important, even if we are being completely selfish for our own reasons. I know we are an island but we will not stop people from coming here. If we do not sort this out globally, we will never sort it out nationally. That is the bottom line. Even if we do not care about anybody else, we have to do this for ourselves.

As I said, we do not live in an Orwellian. All animals are equal; all humans are equal.

Senator Paul Gavan: Well said, Senator Garvey. It is always nice to see the Minister of State.

An Cathaoirleach: Is the Senator sharing time?

Senator Paul Gavan: I wish to share with Senator Boylan.

An Cathaoirleach: Is that agreed? Agreed.

Senator Paul Gavan: I agree with every word Senator Garvey uttered. I was delighted to hear her calling for a TRIPS waiver. I was delighted to hear Senator O'Loughlin say she supports a TRIPS waiver. I must be clear on this point, however. If a Senator votes for the Government amendment, he or she is voting against a TRIPS waiver. There is no debate about that because the TRIPS waiver is clearly referred to in Senator Higgins's motion and it is not in the amendment. It has been removed by the Government. Colleagues are here from the Council of Europe. They are people I respect immensely who stand up for human rights. I ask them, genuinely, not to vote for this amendment because the issue is too important.

I was so disappointed when I saw the amendment. I know Senator Higgins went out of her way in terms of how she drew up the motion. There is no criticism of the Government in this motion, which would have been easy to do. If I had drafted it, I probably would have criticised it. Senator Higgins crafted it superbly. She makes a clear and public call to the Government to speak out for a TRIPS waiver. That has been removed in the Government amendment, yet from all the arguments we have heard, we know that is the wrong stance. Anyone who attended the meeting on Tuesday that Senator Higgins organised will have heard the spokesperson from Oxfam. Last week in the Chamber, I spoke about 5 million deaths. I was wrong; the true figure

is closer to 17 million deaths. I do not even know how to express that. There have been 17 million deaths. As we were told yesterday, each day that the European Union and the Government refuses to speak out clearly and call for a TRIPS waiver costs people's lives.

Senator Garvey dealt expertly with the Government countermotion which refers to TRIPS flexibilities. She is absolutely correct. As all the world's human rights bodies have highlighted, that is no good and of no use. An article on the Public Citizen website states:

mRNA vaccines have 100 key components, many of which are IP protected, and produced in multiple jurisdictions. Thus, in order to manufacture a "generic" COVID-19 mRNA vaccine using TRIPS flexibilities, the relevant producer would have to seek compulsory licenses for each IP-protected commodity in its country of manufacturer and export, which would require the compulsory licensing cooperation of the exporting country and input producer. It would likewise have to seek a compulsory license allowing for import of each such component and allowing for production of the vaccine. Finally, if a producer wished to export in order to create a viable market, it would have to coordinate further and follow intractable WTO procedures to seek additional compulsory licenses in other countries to allow import and use of the vaccine. These ... complexities that are virtually insurmountable.

That is what the Government amendment is calling for Senators to support. With all respect, I ask them not to do that. If they cannot vote for Senator Higgins' motion, find something else to do when it comes time to vote. When the history of the biggest crisis humanity has faced is written, do Senators want their names beside an amendment that denied and removed the call for a TRIPS waiver? Let us put our party badges to one side just for this evening and do what is right.

It is so clear. On the one hand, there are the medical experts, the key medical people we know and respect. What is the line we all believe in? Follow the science and the medical advice. Do we not say that? Is that not what we followed throughout this pandemic, and rightly so? All these people are saying we desperately need a TRIPS waiver. As others have pointed out, the spurious arguments about reluctance to put vaccines into people's arms is just not true. There are manufacturing sites ready to go within three months. We have been waiting for this for a year already. It is unfortunate but true that the EU has been the main stumbling block. We have a voice. Ireland has a voice. It is wrong that, to date, the Government has not used that voice. Why do we not unite, all of us together, to call on the Government to make a clear call for a TRIPS waiver so we can begin to heal this world and begin to protect everybody, not least of course ourselves?

Senator Lynn Boylan: I thank my colleague for allowing me a minute of speaking time on this as I really want to put on record my support for the TRIPS waiver. There are matters that are beyond party politics. We are all living through this pandemic. As politicians and legislators, there are periods when we want to be on the right side of history and this is one of them. We really want to be on the right side of history when it comes to this TRIPS waiver. As Senator Gavan has said, Members should go missing rather than vote against this TRIPS waiver. Doing so will lead to them being judged by history.

I want to flag something that galls me. There are many arguments about why we cannot have a TRIPS waiver and one centres on a lack of necessary production capacity in other countries. What galls me about such arguments is not only that they are patronising and false but they perpetuate the colonial mindset that we have in the global north that countries cannot do

this and we must do it for them. It is the idea that we must hold their hand. It is what we are saying to these countries but analysis indicates there are 100 suitable manufacturing sites ready to go if we give this TRIPS waiver. As others have said, the production of mRNA vaccines is less complex than traditional vaccines. It is bad enough that the pharmaceutical industry is putting out those red herrings. We cannot be handmaidens to those companies. We cannot peddle their myths. They are not true and the facts are on the side of a TRIPS waiver. The Government must decide tonight whether it is on that side as well.

Senator Paul Gavan: Well said.

Senator Rebecca Moynihan: I pay tribute to Senator Higgins for drafting this motion. As Senator Gavan has said, she went out of her way to draft a motion that Senators on the other side of the House could support. This is not a matter of party political differences but a moral issue among a group of humans sitting in this Chamber in the middle of a pandemic.

With Covid-19, the ultimate question is when we will end the pandemic. We have asked this of the Government when we have seen much legislation come through the House in recent months. All of that legislation is part of the armoury in fighting Covid-19 but there is a gaping hole in our response, which is a truly collective, internationalist and global effort in vaccines. We pride ourselves on being a charitable country and the land of 100,000 welcomes. Charity does not stand for anything, however, if we do not have justice. This motion asks not for charity but justice in ensuring vaccine equity across the world.

The reaction to the emerging Omicron variant two weeks ago encapsulated the problem with approaching this from a charitable perspective. Our approach has become fear-based, leading to travel bans, particularly if the variant comes predominantly from the global south. We did not have the quick movement to travel bans when the Delta variant was coming from the UK.

We know from the scientific advice across the world that what will stop the emergence of the variant is access to vaccines. We have warned repeatedly by the World Health Organization and epidemiologists that the single biggest factor in the development of new variants is allowing the virus to spread indiscriminately around the world. The TRIPS waiver, which we have been discussing for well over a year, is vital to ensuring vaccines are available at a global level for all those who need them. The time for talking, debating and amending in parliaments across the world should be long over.

Gordon Brown, who is now an adviser to the World Health Organization, noted a few months ago that 40% of the Covid-19 deaths on the African continent had occurred since August. At the start of August, we had nearly finished vaccinating our adult population here. The World Health Organization recently highlighted that six times more booster vaccines had been administered daily around the globe than primary doses in lower income countries. In those circumstances, our booster campaign should not be a source of national pride but rather an example of how we have failed other countries. While it is wonderful that we are able to give out booster vaccines and keep our population safe, the question that strikes me is whether there is any point in giving boosters when we will be in this rodeo again in a couple of months as more variants emerge. It is short-term thinking and we are looking at events through the lens of self-interest in seeking to end this global crisis.

The TRIPS waiver is a question of suspending international property rights and prioritising the saving of lives over profits. The industry, funded by national governments and taxpayers,

has not shared the property rights voluntarily. In the absence of that, a TRIPS waiver is vital. We could look at another pandemic, as during the HIV pandemic a waiver on trade in intellectual property rights was used to boost drug supply. Such a process should be implemented again. The facilitation of generic production in countries like India and South Africa helped developing countries through the HIV and AIDS pandemic. We know such a process can work well.

It is simply the fundamentally right action to take in every respect. It is not just the West that must live with Covid-19 and it is not just the West that is currently facing the worst impact of Covid-19. We must increase the rates of vaccination worldwide. We know at this stage because we have had waves of the virus that as variants emerge, none of us is safe until all of us are safe. We must take collective and global action. We are facing into a future of never-ending variants, and that is a consequence of failing to vaccinate as many people as we can everywhere. Solidarity and collective action will end the pandemic and make this virus endemic. That must be at the heart of Ireland's response.

I am disappointed that the response to a very balanced and well-worded motion from Senator Higgins has been that a Government amendment, albeit one that did not originate among Government Senators, has been moved which effectively renders the motion useless for Members voting in the House. I echo the call of previous speakers. If Senators cannot vote against the Government amendment, they should go missing and show people their intention by simply not being here.

Senator Paul Gavan: Well said.

Senator Malcolm Byrne: I thank the Minister of State for coming to the Chamber. I know him as somebody who is very compassionate and with a real interest in matters like this and human rights. I commend Senator Higgins and her colleagues on what is a very well-worded motion in considering this issue. I probably cannot express my views in the same way as Senator Garvey, with such compassion and emotion, but I share her views on the matter.

I have spoken to my Fianna Fáil colleagues about this specific issue and the Minister for Health, Deputy Stephen Donnelly, has said he is personally in favour of a TRIPS waiver. I am concerned that the Government did not consult the Fianna Fáil Seanad group before tabling this amendment, despite I and others expressing a very strong view on the need for a TRIPS waiver or a discussion on the matter from very early on. We have raised that on a number of occasions.

Many people have stated, correctly, that we will not get out of this pandemic until everybody is out of it. I also want to speak about our values, not just Irish values but European Union values. Everybody is speaking about companies like Pfizer and the profits they make. I support free and fair trade and I believe in the potential of these companies. We must remember that very significant state investment was made to support much of the research carried out. In solving such problems, public private partnerships are essential. We must have partners not just to solve this pandemic but also to solve future global crises. It will be a case of having all hands on deck, whether people are involved in the public or private sectors.

I am a Europhile and strongly believe in the importance of the European Union on the global stage and the positive values the European Union can bring to the world.

7 o'clock

In an increasingly G2 world dominated by the US and China - I have major problems with

the values of both countries, particularly, as colleagues will know, the values espoused by China - the European Union can be that other voice at the table, one that expresses values of human rights, the rule of law, fairness and inclusion. That was the basis on which the European Union was founded. During the 1950s, in the post-war scenario, Europe was destroyed. The principles of peace and prosperity guided Europe throughout that time.

One of the things of which my party, Fianna Fáil, has always been proudest is that ours is a party that supports multilateralism, has supported EU membership and believes in support for overseas development aid. That is the reason this Government sought a seat on the UN Security Council and Ireland has played an active role at global level. I am hugely proud that we are the only country in the world that has taken part in every UN peacekeeping mission since the blue helmets started to engage. That is why I have a problem with the approach being taken here. It goes against what I believe to be Irish and European Union values. At the start of this pandemic, when there was criticism of the European Union, the Union did not put in place an export ban. It said that, as part of our values, it was important we not have in place an export ban, which the UK and the US put in place. We saw the EU supporting those general principles, but there seems to be a move back from that position. I welcome the fact that the EU is now gaining greater competence in the area of healthcare, particularly in tackling some of these global issues.

I am a multilateralist. I passionately believe we must have international organisations. I believe in the rule of law and that there has to be co-operation. On an issue like this, which is a global challenge, we should not be arguing over intellectual property rights. I fully accept that we have to protect IP rights but I cannot understand why on an issue like this there is such an approach. I believe that nearly every Senator personally feels as passionately about this as I do.

Senator Higgins's motion is worded very fairly. If it were a motion that criticised the Government and so on, I would come back on it because at a domestic level we have done a wonderful job on the roll-out of the vaccination programme. People forget that. There are glitches, but on the roll-out of the vaccine campaign, even the roll-out of the booster campaign, Ireland is doing extraordinarily well. However, we should be, as Senator Moynihan said, a guiding light to the rest of the world. I was not consulted about the Government's countermotion. I do not believe it reflects the spirit of my party, the spirit of what this country believes in or the spirit of the European Union and for those reasons, I will not vote for it.

Senator Fintan Warfield: I commend my colleague, Senator Malcolm Byrne, on his contribution and on taking a stand on the issue. There was an email from Oxfam that stood out for me. I will not expand much on it. It said that a failure to vaccinate the world is not just economically and epidemiologically foolish but also diplomatically and morally unacceptable.

Before I go any further, I wish to commend the work of Senator Higgins. We signed a letter to the Taoiseach before the summer, I think, and the Taoiseach, although he did not commit to supporting a TRIPS waiver, did commit to engaging with the European Commission and member states on the EU position. I noted with interest that when the Tánaiste, Deputy Varadkar, was before the Seanad on Tuesday, 7 December, he said he had an open mind on the suggestion of a TRIPS waiver. He said:

I have always said that if we receive a WTO proposal in writing, we will look at it. That has not happened yet.

I thought it was quite weak on the part of the Tánaiste to say that if the Government were to get a proposal, it could look at it. The proposals are coming left, right and centre from the World Health Organization. We need to heed those calls from the director-general of the World Health Organization and most world leaders that the TRIPS waiver is needed as part of the solution to combat the pandemic. Hundreds of millions of people do not have access to a vaccine because they were born in the wrong place, basically, as far as vaccine distribution is concerned. The waiving of patents should have been sorted at the very start.

I will not expand any further on the points that have been raised about the millions in public moneys that have gone into funding these vaccines. I call on the Government and Seanad colleagues to do as Senator Malcolm Byrne has done and back the motion. I am not sure how Senator Byrne will do that but I commend him on it.

Senator Niall Ó Donnghaile: Like Senator Warfield, I acknowledge, commend and thank Senator Higgins for bringing this motion before us. I do not have a great deal more to add beyond what has been said by those colleagues arguing in support of the motion, including Senators from the other side of the Chamber. They have laid out effectively and clearly the health, human rights, justice and economic rationale for the Government implementing a TRIPS waiver. They have also made clear the political and ethical arguments as to why, from the perspective of our experiences in Ireland and our ethos and core belief system as a country and as a people, we should be to the forefront in ensuring international solidarity, particularly at a time like this.

The clue is in the word “pandemic”. The last thing I want to do is to descend into clichés, but the fundamentals are the following. This is a pandemic. Therefore, it requires a global response. This has been said repeatedly. My colleague, Senator Gavan, outlined it very eloquently. The scientists and health experts have repeatedly and consistently said - at times they have pleaded with governments around the world - to follow their advice, and their very clear advice is that no one is safe until we are all safe. That is what tonight’s motion is about. Senator Malcolm Byrne may not need or even want my endorsement of the decision he has taken, but it is what we on this side of the Chamber are asking colleagues to do. It is to do the right thing, not least given the time of year, when we think of people who are less well off around the world, to extend solidarity and to live by some of the sentiment that will be expressed over the coming days and weeks.

I hope the Minister of State will reflect on the debate tonight. I know he will. I hope he will reflect on what his Government colleagues are saying in the Chamber and take a lead in ensuring the Government does the right thing, withdraws its amendment and supports the motion in all our names.

Senator Frances Black: The Minister of State is very welcome to the House. I am so proud to co-sponsor this motion with my colleagues and friends, Senators Higgins and Ruane. I commend Senator Higgins on her leadership on this issue and her passion for fighting for what is right. I am just blown away by this debate. I commend Senators Malcolm Byrne, O’Loughlin and Garvey on the stand they have taken. It gives me hope. I am not sure whether any of us two years ago would have anticipated that we would still be talking about Covid-19 today but we need to acknowledge that this reality is our own doing. As Senator Malcolm Byrne stated, we should be proud of the success of our domestic vaccine roll-out, but it means nothing while significant portions of the international community remain unvaccinated.

I will focus on two arguments that speak to the importance of Ireland and the European

Commission supporting a TRIPS waiver. The first is that it is immoral for us not to take the actions within our capacity to support the expedient production and delivery of Covid-19 vaccines around the world. The second is the domestic cost of our inaction.

We are undoubtedly privileged to have been able to access vaccines as freely and readily as we have done, but this is not our birthright. That we were born into the wealthy global north is a matter of complete luck, which we need to acknowledge. How can we continue to block the expedited production and delivery of Covid-19 vaccines in the global south while the pandemic continues to rage and people continue to suffer and lose their lives? We have been told many times that we are all in this together but as long as we continue to block the expedited production and delivery of Covid-19 vaccines in the global south, that is just empty rhetoric. As philosopher Professor Peter Singer has said, if it is within our power to prevent the suffering of another person, it is our moral imperative to do so. It does not matter if that person is close to us or far away because suffering is suffering. The reality is that people in the global south are suffering more in this pandemic than those of us in the global north, both in terms of public health and the social and economic consequences of the pandemic. While the European Union has donated vaccines to the global south through the COVAX scheme, the number of vaccines actually delivered to countries is less than those donated. If we persist with the *status quo*, we will never get ahead of this pandemic. To rely on the charity of developed economies is to fail in our moral duty to the vulnerable in the global south. Where governments in the global south are purchasing vaccines, this accounts for a far greater proportion of their health budgets than for governments like ours. As a result, we need to drive down the cost of vaccines. Generic production is an important piece of this puzzle. We cannot rely on the market to address this issue because it will not.

We must consider the benefit of supporting the TRIPS waiver in terms of our own self-interest. At a selfish level, we should want Covid vaccines to be delivered to the most people as quickly as possible. This is the best way of ensuring that life here in Ireland returns to a version of itself that is closer to the one we left behind in March 2020. By accelerating the vaccination of the majority of the global population, we limit the opportunity for new variants to develop. This is common sense. It brings benefits in terms of domestic public health but it would also make a return to normal functioning in Irish society and our economy certain.

In pandering to the interests of large pharmaceutical companies, we may protect certain kinds of inward investment but what is the financial cost of blocking the TRIPS waiver if we factor in the need for public health restrictions that shut down portions of the economy and put large numbers of people out of work? Are we content to let pharmaceutical companies make unprecedented levels of profit at the expense of Irish people and society? Why is it that certain industries, such as the entertainment industry, have to shoulder the burden but large pharmaceutical companies do not? We are all carrying this burden but the pharmaceutical companies are walking away with not a bother on them.

We are now entering the third year of this pandemic. Surely it is time to reflect on our successes and failures to adjust our strategy moving forward. It seems that vaccines alone are not going to see the end of this pandemic but they will continue to play a central role. The question we need to ask ourselves is what role do we want Ireland to play in guiding the global community out of the darkest days of this pandemic. I am clear as to what I feel Ireland should do, that is, support this motion on a TRIPS waiver for Covid-19 vaccines and use our diplomatic influence to encourage other EU member states and the European Commission to do the same. It is not only the just and right thing to do, but also what is required of us to bring this pandemic

to its conclusion.

This is about saving thousands, if not millions, of lives. The Minister of State has the power to do the right thing. Even Government Members are not against this motion. Will he please withdraw the amendment and do the right thing? He is a good man. Most Fine Gael Members are good people with good hearts who want to do the right thing.

Senator Aisling Dolan: I thank the Minister of State for joining us. I welcome this crucial discussion on the motion tabled by Senators Higgins and Ruane. Senator Higgins and I had an opportunity to discuss the matter previously but not with as much time as was needed to discuss a topic of this importance.

I want immediate access for people around the world, particularly in low-income countries, to vaccines. I remember the complete and utter joy that I felt when I first heard last year about the vaccines being developed. I remember reading about the first generation Turkish couple in Germany who were working as researchers in BioNTech, which developed one of the vaccines. I remember thinking how amazing it was that we were seeing people who had emigrated to another country and who, within the space of one generation, were top-class researchers with amazing qualifications and working within one of Germany's top pharma companies, which began as a start-up. They stood on the shoulders of the many vaccine researchers and developers who came before them.

When the vaccines first came out, however, production was not equal across the pharmaceutical companies that were developing and delivering them. We saw that there were challenges in delivery and production within those facilities last year. I have looked into some of the research on this topic and I know that there are many challenges to immediate action, but people want to see immediate action because people across the world need these vaccines now. We need existing manufacturing facilities to ramp up. We have spoken about how there are other facilities that could be brought on stream in other countries but I remember how existing production facilities last year could not meet demand. At a practical level, what would happen with brand new production facilities? Our pharma companies have to step up.

This is where Ireland is in a wonderful position in the UN and the EU. The Minister for Foreign Affairs, Deputy Coveney, has driven our position at a global level within the UN. We have a voice, and it is being used to ensure that there is vaccine access. If we do not have access, there will not be equity. We need it as soon as possible. This is something that I want to see the Government fighting for on behalf of all of us. Every person in this Chamber wants the same thing, that is, our loved ones to be safe, but that is not good enough when we see the mutations like Omicron coming at us. Our immunocompromised are now looking at a fourth dose, never mind a third one. These vaccines must be available immediately.

In the World Trade Organization, Ireland is one of 164 members. The Minister of State might speak to us about how Ireland is driving change within these types of agreements because from what I understand, it is by consensus only. How do we drive that type of change? How do we get immediate access now by looking at compulsory licensing? How do we force our pharmaceutical companies to take a more proactive part and participate here? This conversation has brought many matters of concern. Although Ireland as a country be small, we have a strong voice and have positions in very influential bodies. I look forward to the Minister of State's response.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English): I appreciate the opportunity to speak on this motion. I thank Senator Higgins and her colleagues for tabling the motion on the TRIPS waiver. I know it is something the Senator has genuinely worked on for a long period. I recognise that and it is well recognised around the House that her work on this matter is genuine. We can see from the support shown by her colleagues right across the House for her motion that there is an understanding of that.

The Government and I recognise that the motion goes a long way to achieving the balance and get full support. I will table a motion that sets out the Government's position because the Senator's motion is not fully consistent with the Government's position at this time. The Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Varadkar, discussed this matter here last week. He set out that we have a very open mind when it comes to parts of the TRIPS proposal that the Senator put forward. There are no written proposals yet in a formal response. Very often, when one attends the WTO talks, there is a written text and that is what is negotiated. We are prepared to view that as and when it is put forward as a written formal proposal but it is not at that stage yet. The Tánaiste outlined that position earlier in the week as well.

In a debate here last week, the Tánaiste clearly did say that the Government is a very strong supporter of vaccine equity in the world when he stated, "Morally we need to make sure the world is vaccinated." We all agree with the principles though differ on how to achieve that, and have different views and timings for that. Everybody in this House, without a doubt, comes at this from the same moral background and while all want to see the same result, there are different ways to get there and achieve that. It is important that everyone here expressed their views tonight and support the general principles behind the motion. Senator Joe O'Reilly expressed the view that we all agree with this and come from the same position but, again, the issue is how to achieve this and get the balance right. That is the view that the Government has to take. The whole of the Government must work through this, as we have been doing, through our European colleagues at the WTO talks because we are part of a European discussion group and representative body when it comes to that.

I want to be clear that Ireland will continue to do all we can to help make sure countries worldwide have access to Covid vaccines for their people. We, as a country and a Government, strongly believe that and I think that everyone has expressed that clear view here tonight. I will convey that to Government colleagues and will share it with the Cabinet, which will inform the ongoing discussions in this area and the ongoing discussions at European and WTO levels. I will make sure without a doubt that the views of this House are well reflected in my report back to Government after this debate.

We will do so as universal and equitable access to vaccines is crucial in the global fight against Covid-19 and Governments in the developed world must continue do more to ensure this. We are very clear on that. We have been very clear in our public commentary on that and Senator Higgins will know that as well. We will continue to work with those countries that have not yet built up the capability or infrastructure needed to roll out a vaccine programme. We will do so through our aid programmes and help with the likes of refrigeration, distribution and administration because all of these are needed to help with the roll-out of a successful vaccine programme. Access to the vaccines and having them, regardless where they are manufactured, is one issue and, again, there are different ways to achieve that. The roll-out of vaccines, the associated administration and reaching the people who need vaccines is another very complicated area. We all know that we have to continue to work on all of these aspects as well.

The motion we are discussing is not a magic pen. I am sure that Senator Higgins and her team understand that too. She genuinely believes that her motion is part of the solution and I recognise that but in itself, her motion will not solve the problem. The Irish Government is involved in many of the aspects, and rightly so, because we have a very complicated aim to make sure that the vaccines are accessible to everybody no matter where they live, what their address is or in what part of the continent they are in. We will do these things because it is the right thing to do. We will do this work alongside our international partners such as the Coalition for Epidemic Preparedness Innovations, CEPI, Gavi, and the World Health Organization.

In addressing this specific motion, it is important to point out that TRIPS is an international legal agreement between all the member nations of the World Trade Organization. Therefore, any proposal for a potential variation or waiver of the current IP protections under the TRIPS Agreement is for negotiation at the WTO, where Ireland is one of 164 members. I have attended these events and they are extremely complicated. The debate is very often around the wording and written text. A lot of work and negotiations is done well in advance of these sessions, and on a continuous basis, as well as on formal occasions. That being said, Ireland will engage with the European Commission and other member states on the EU position for the WTO discussions on how the flexibilities within the TRIPS Agreement can contribute towards increasing the manufacturing capacity and the equitable access to vaccines around the world.

The EU continues to be committed to an open and comprehensive dialogue with all of the WTO members to explore how the multilateral rules-based trading system can best support universal and equitable access to Covid-19 vaccines and treatments. This is why the EU proposed an alternative to the TRIPS waiver proposal. This proposal is targeted and pragmatic. It aims at ensuring that Governments can resort to compulsory licences, including to export to countries with no or limited manufacturing capacities in the most cost-effective manner, and the most effective and timely manner, that is adapted to the circumstances of a pandemic.

The EU will consider any other pragmatic proposal for a TRIPS waiver, should a further proposal be submitted. The EU has stressed that contacts between key delegations appear to be the only means, and the best means, of advancing discussion at this point. It is important to note that the EU has been genuinely flexible in seeking to find a solution to make it easier for governments to allow third parties to manufacture Covid-19 pharmaceutical products. By extension, we have an open mind in Ireland on the alternative suggestion of a TRIPS waiver, which the Tánaiste referenced here on 7 December. I suggest Senators read the transcript in addition to listening to what I have to say tonight. Again, the Tánaiste clearly said, and the Government is clearly saying, if we receive a WTO proposal in writing then we will look at it and that has not happened yet. The Tánaiste, in this space, has met the United States Trade Representative, Ms Katherine Tai, and said we would happily look at a proposal if one lands and, to be clear, it has not yet.

The EU position has repeatedly made clear that it sees intellectual property as part of the solution to the pandemic and not the problem. Consideration of this matter must balance the need to encourage and continue to incentivise industry, as well as governments, to carry out research, innovate and develop new medicines, and medicinal products, during this public health crisis, and any other public health crisis. I totally and absolutely accept the point that Senator Higgins and many others Senators put forward earlier that the work on Covid has been endorsed and supported through the public purse of many countries.

Intellectual property protections are a crucial incentive for the ongoing and continuous re-

search and development of new vaccines, modified vaccines adapted to new variants, and new medicines and treatments for Covid-19, as well as investment in production capacity. The public purse supports these endeavours and there is also a lot of private money. We continue to encourage that innovation and drive to always find new vaccines, new medicines and new supports for Covid-19, and for many others that will come at us as well. However, we want to strike the right balance and I know that Senators will understand that it is important for us to get this right.

Intellectual property continues to play an important role as an enabler that contributes to our overall objective of ramping up production of Covid vaccines and medicines. It is clear that in a global emergency, like this pandemic, if voluntary licensing fails then compulsory licensing is a legitimate tool to scale up production and that we are ready to facilitate this.

Experts agree that the current Covid vaccines were produced in record time as industry was able to piggyback on years of investment, of previous investment and previous innovation, in other vaccines production which had been incentivised, in part, by a supportive IP regime. We must view this issue in the whole and not just as one issue. We must view this as part of the overall IP regime that we are part of. Again, I recognise that in this case there was a massive contribution of public moneys from all over the world and Ireland was a part of that.

Any solution must balance industry's research and innovation costs, and the importance of maintaining a workable IP regime well into the future, with the importance of ensuring fair, equitable access to medicines and medicinal products during this public health crisis. The EU has been a leading exporter of vaccines. Out of a total of 2 billion doses produced since December 2020, the EU has exported over 1.4 billion doses to 150 countries. The EU has also mobilised €46 billion in support of partner countries internationally and has committed €3.2 billion in international support to the COVAX programme. The EU's target is to donate 700 million doses by mid-2022. It is also investing €1 billion to ramp up mRNA production capacity in Africa. Ireland will engage with the European Commission and other member states on the EU position for the WTO discussions.

As outlined by the Government yesterday, Ireland will donate an additional 3 million Covid-19 vaccines this year. This is in addition to Government's previous commitment to donate 2 million vaccines to low-income countries as part of the COVAX programme. There is no issue with the end-of-use date on our vaccines, to be very clear. That is not something this Government has been part of. The donated vaccines have already been delivered to countries including Uganda, Nigeria and Indonesia. The first 500,000 Irish doses donated through COVAX reached Nigeria on 29 November; 112,800 vaccines arrived in Indonesia on 11 December; and a bilateral donation of over 335,000 vaccine doses was made to Uganda in September. A further consignment of 122,400 vaccines to Indonesia and 276,000 vaccines to Ghana are expected in the coming days.

Ireland has awarded €7 million to COVAX to facilitate the procurement of vaccines by low and middle income countries. This translates roughly to a further 1.2 million doses of vaccine donated by Ireland to low and middle income countries, and rightly so. This reflects who we are and our values as a nation, which have been clearly and passionately put forward by all speakers this evening.

I hope Senators will accept our credentials as a Government and that we are doing all we can to help ensure countries worldwide have better access to Covid vaccines for their people. We

will continue to do so, reflecting the values the Irish people hold.

I look forward to hearing the remaining speakers on the motion. I recognise the effort to which Senators went to have a motion that could be supported without amendment. While I have tabled an amendment, I will not press it. It is not something on which we want to divide the House. However, it was important to set out and explain the Government's position as we approach this. I recognise that when it comes to the principles of what we want to achieve, we are all at one. All of us in both these Houses reflect the nation's values when it comes to this approach.

Senator Alice-Mary Higgins: I thank the Minister of State for his response. I sincerely thank colleagues from across the House for their engagement on this issue. I thank them for their heartfelt, genuine and intellectually rigorous contributions. So many of the points I wanted to make about why compulsory licensing does not work were made extremely well by others, including Senator Garvey.

This is a crucial diplomatic failure for the European Union. I am also passionate about the European Union. I worry when I see the Union losing credibility internationally by pursuing a policy that may have two years of gains for some companies but will lose the trust of much of the global south. I will not go through all of these points because I will not have time. They have been made extremely well.

I am glad the Minister is not pressing the amendment. Frankly, it did a disservice to the Government Senators who have spoken and the Government's own position. The Minister of State, Deputy Troy, talked over eight months ago about wanting Ireland to take a stand. The Minister for Health, Deputy Stephen Donnelly, has expressed personal support for a TRIPS waiver. Even the Tánaiste, Deputy Varadkar, spoke of having an open mind.

I have to challenge one of the points which is extremely disingenuous, namely, the idea that we are waiting for a WTO proposal. This motion relates directly to the negotiations around the development of a WTO proposal. The European Commission represents us in the Council negotiations to develop proposals. There have been proposals on the table since October 2020. In June, that complicated discussion teasing out the text was meant to take place. I wanted Ireland to take a stronger stance and to speak out in favour of a TRIPS waiver. This amendment would have taken us backwards. It refers only to the alternative proposal, which is a proposal against a TRIPS waiver. That is the problem. That is what was in the language here. It also speaks specifically about only engaging in the issues of flexibilities within TRIPS. There is capacity, strategically, not in a uniform or messy way but through text, where different outcomes may happen in different countries, to temporarily waive the application of the international intellectual property regime. This would allow smaller and developing countries to take the actions while maintaining, if they so choose, the national intellectual property measures which we would have in Ireland. This is not a fall-off-a-cliff measure. A TRIPS waiver is the sensible thing which allows us to expedite vaccine roll-out.

On the issue of time, we should have started in spring but we certainly should be starting now so that in three months we will have more progress. It is possible. The mRNA vaccines, which are the most effective, are chemical rather than biologic and in that sense can be developed with support. We should not be sending countries back to the starting point. On a proposal from the WTO, its director-general, Ngozi Okonjo-Iweala, appealed for a resolution in February 2022 and urged that we come out of that meeting with a TRIPS waiver so the clock

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can start on delivering the solutions which everybody wants.

I thank the Minister of State for his engagement. I ask him to engage with the likes of the People's Vaccine alliance, which has been requesting meetings with Ministers but has not yet been given one. This is a really important moment for us. It was mentioned that there is an important meeting tomorrow. Would it not be a powerful thing if we sent a signal from Ireland tonight that might influence that meeting tomorrow? It might be just the small thing that tips the balance towards a genuine solution being moved forward. Then maybe we could have a tiny fraction of the optimism we felt this time last year when we thought the world might work together towards a solution. Let Ireland be part of that in a positive way.

I thank the Minister of State for not pressing the amendment. I urge colleagues to support the motion if they can. It is really important and it should be passed by this House tonight.

Acting Chairperson (Senator Sharon Keogan): Is amendment No. 1 agreed to?

Senator Joe O'Reilly: In consultation with the Minister of State and as he has explained, considering the very balanced and reasonable-----

Acting Chairperson (Senator Sharon Keogan): Under the rules, it has to be withdrawn.

Senator Joe O'Reilly: I am not going to make a speech. It is just to say that given the very balanced and reasonable debate in the House, the sincere opinions held and the unity of purpose in the House on the issue, although we have moved the amendment we are not pressing it.

Amendment put and declared lost.

Motion agreed to.

Acting Chairperson (Senator Sharon Keogan): When is it proposed to sit again?

Senator Joe O'Reilly: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.48 p.m. until 10.30 a.m. on Thursday, 16 December 2021.